

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
SEPTEMBER 19, 2005

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:05 a.m. on Monday, September 19, 2005 in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Suzanne Morrow
Darrell Hanson, Chair
Mary Gail Scott
Jerry Peckumn, Vice Chair
David Petty
Donna Buell
Henry Marquard
Francis Thicke

MEMBERS ABSENT

Lisa Davis Cook, Secretary

ADOPTION OF AGENDA

Linda Hanson requested that Item 4 – Budget Request for FY 2007 be changed from a decision item to an informational item.

Motion was made by Donna Buell to approve the agenda as amended. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Francis Thicke said that the vote on page 13 regarding the final rule – Chapter 23, it did not carry unanimously, since there was a difference in the vote. Also on page 19, Jerry Peckumn voted nay instead of aye regarding the permit for the Morgan Finisher Farm.

Motion was made by Francis Thicke to approve the minutes as amended. Seconded by David Petty. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Jeff Vonk said that there will be a press conference held tomorrow afternoon regarding the REAP program and new innovations that will have a positive impact on the revenues.

With regards to the article published in the Des Moines Register today, that there has been large growth in confinement operations in the state. There are economic drivers for what is going on, as a state we need to continue to look for ways to balance that economic growth with what seems obvious to many as the negative social and potentially environmental impacts that the growth may entail. I still believe that confinement operations, when the manure management plans are submitted and followed and they do their job, these are not negative environmental impacts. The risks seem to come when there are accidental spills because of quantities.

Although water quality standards are not on the agenda today, I believe the department has a good plan for trying to make the state of Iowa in compliance with the federal Clean Water Act.

Donna Buell said that the closet public hearing on the water quality standards to Okoboji is in Cherokee. Our citizens probably won't drive an hour and a half to attend a public hearing. I think we need to have a public hearing closer to Okoboji. I would ask the DNR to sponsor one and if you don't have the budget or time I want to hold one on my own.

Jeff Vonk said that ICN network hearings could be held in the areas where no public hearing is scheduled. We will do more for the areas that are not reached.

Henry Marquard agreed that more public hearings or ICN hearings need to be scheduled in the closer to the quad cities area.

Donna Buell raised the concern that if the DNR has limited staff and time, then we should be focusing our time to enforcing our legal obligations. I've heard many times that the DNR will help the CAFO permit applicant do what is needed to come into compliance. If an incomplete application is submitted or lacks something, the DNR will say that you need this or that to get it in. If it's incomplete or late, they should deny applications as incomplete and then let the applicant on their own have the burden to submit the required information. We should be using our staff time to enforce the regulations on the books.

Jeff Vonk said that the accusation is false. Our staff does not routinely travel out and advise applicants on how to fix or improve applications. It's fair to say that we have a philosophy in the department, which I support, which is that in the process of reviewing an application, if it has a deficiency, when we send it back we do advise them that it was deficient because something was incomplete and tell them where the weakness is. Clearly our role is to make sure that environmental regulations are followed. I think we do a good job at that within the resource limitations that we have. We often misconstrue what the role should be. If we don't want large confinement operations in this state, then the appropriate place to fix that is to start with the legislature.

Henry Marquard said that the government should let people know when they did something wrong in the application. It's citizen friendly.

David Petty and Mary Gail Scott agreed with the Director's comments. It's a positive interaction between the Department and the regulated community.

Jerry Peckumn asked that we have an agenda item next month to discuss an increase in the numbers of the facilities in Iowa. Also to address policy issues and regulations and the economic benefits to both sides of the confinement operations. (producer and integrator)

Motion was made by Francis Thicke to add an agenda item for next month to address the issues of the increasing numbers of CAFO permits and what the implications are for the environment, health and the work load of the DNR. Seconded by Henry Marquard.

Jeff Vonk said that the Department will do their best to gather the facts on CAFOs, but I don't know that we as an environmental body are prepared to have an in-depth, factual decision of the health effects.

Francis Thicke asked for an update on the health study that was presented a couple of years ago.

Donna Buell said that since the commission is the policymakers, we need to hear everything. We should hold a one day forum on both points of view on all issues to be addressed. If we hold a forum, I would like information on when, how and what is the most effected way.

Jeff Vonk said that if the Commission wants to proceed with this we can do what is needed to provide background information and perhaps facilitate. Possibly hold it the day before or after a commission meeting.

Motion carried unanimously.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

MICHELLE MERKEL, attorney for the Environmental Integrity Project in Washington, DC has been working with the Iowa Environmental Council and the Iowa Chapter of the Sierra Club for the past year and a half to ensure that large livestock operations that pollute Iowa's waterways come into compliance with the Clean Water Act. I support the DNR's decision to approve the case referral to the Attorney General's office that will for the first time require a confinement operation to apply for a Clean Water Act permit. The Clean Water Act is a federal law that protects our nations streams, lakes and rivers, and under the Act it is illegal to discharge into the waterways without authorization from an operation permit. These permits pose pollution controls and best management practices as well as monitoring and recording requirements to prevent discharges from occurring in the first place. For nearly thirty years the DNR has had the legal authority and obligation to require livestock operations that discharge manure into the waterways to apply for these permits. However, the US General Accounting Office found that Iowa is one of the eleven states in the nation that does not issue Clean Water Act permits to all livestock operations that need them, leaving these operations and their waste essentially unregulated under Federal Law. A majority of spills come from large confinement operations.

There have been over 450 documented manure spills from livestock operations over the last decade, killing 2.6 million fish. 69% of these spills came from confinements. Plymouth Dairy Farms is a perfect case in point for livestock operations to need operation permits. First, they have discharges of manure to waterways, which is a clear violation. It doesn't matter if it's an accident. The kind of violations they have can be remedied by an operation permit. Operations permits are not just paper documents, they have practical value which require operations to do certain things daily to prevent the discharges from occurring in the first place. We support DNR's referral of Plymouth Dairy Farms to the Attorney General.

RICHARD PARKER, citizen from Boone asked the EPC to enforce the federal air and water standards. If the state of Iowa's law cannot protect its citizens than maybe the Federal law can be of some help. I live 12 miles from a chicken confinement. When the winds blow from the South East, I get strong smells. I spent the whole weekend in Buena Vista and smelt terrible odor. As I drive down the road, my eyes, throat and nose started to burn and to my surprise they were pumping liquid manure into a pond. The stench was repulsing. Why not challenge our universities to come up with a solid waste disposal? That would minimize some of the smell. To me smell is pollution. I love this state but for the first time I considered living somewhere else. The Des Moines River is a cease pool. We need to be doing a lot more than what we are.

EDWARD ASKEW, citizen from Muscatine addressed the TDS and chloride rules that are being developed. When this was first brought up, the Iowa Water Pollution Control Association decided to do a joint project with DNR. We want to follow Iowa Code 455B.193 and 455B.194, which specially talk about credible data from volunteer organizations. We wrote a QAPP, Quality Assurance Project Plan, that asks how you are going to collect the data, where is it stored, how good it will be before you start the study. The QAPP was signed by both associations. We went out and looked at twenty-five creeks that are closed to publicly owned treatment works. We had 22 volunteers to do it. The QAPP said we had to collect the data and it's to be available in a certain form. The analytical tests are to be done by either the state of Iowa certified laboratories or national certified labs for the analysis that is to be produce. And we will collect the data under low flow conditions. Everything was done and went great. Then upper level management of the DNR asked to get money from EPA, so they get the money and then trash the QAPP. Now the data being collected is not under the correct conditions. I would like the EPC to direct the DNR to follow 455B.193 and 194 and produce a new QAPP signed by all participants. The fall 2005 data isn't under any QAPP at this time and should be disregarded by this Commission. I would like the DNR to follow the state law regarding data credibility that volunteer organizations have to follow.

TED PAYSEUR, from Iowa Water Pollution Control Association addressed the proposed rule on Chapter 64 by adding languages to start collecting a fee for wastewater permits. Our group IWPCA with Iowa League of Cities and several business and industries probably hold about 70% of the 1,500 NPDES permits that are standing currently in Iowa. Our people have gone through Kaizen processes with the DNR. I'm concerned with charging a fee when there are a lot of issues on how these fees are going to be handled. Where does the money really end up? We are not gaining anything if we collect fees without quality results by more full time staff.

PATRICK BOSOLD, from Jefferson County said that there have been 137 new CAFO permits issued, with a 59% increase over last years record, so evidently the DNR is cooperating with somebody. I was told that after I watched a permit fee being issued, one day after a notice was served in the paper that public comments were not going to be considered in this process. I have a legal opinion in that matter indicating that that is not the correct procedure under federal law. The EPC is the court of last resort, it's difficult to meaningfully address any other issue through another mechanism. There needs to be a better way for the public to address their concerns. In 1997, North Carolina developed a moratorium. I encourage the DNR and EPC to consider a moratorium.

VIOLA FAUST, ICCI member from Dexter said that she is not against confinements just the amount of hogs that are allowed. They are polluting the air and affecting people's health. What does air quality and environmental protection mean for the DNR? Are you protecting our environment? What is Iowa going to be like in the future. It's getting terrible!

PETE HAMLIN, representing MidAmerican Energy addressed their concerns with the proposed rule for Chapter 64. The fees will be raised but the funds will go into the general fund. We are concerned that we will be paying more fees but receiving the same service. We think there are ways to resolve the problem by having the Department and private sector work together in a cooperative sense to solve the problem of a backlog of NPDES permits.

I would like to commend the Director and Department staff for the position that the role of the Department is compliance. The well being of Iowa is dependant on a good clean environment and economic growth.

JEFF HOVE, from the Petroleum Marketers of Iowa said that they have spent over 8 months on meeting with the DNR with industry input for Chapters 134 and 135. These are good changes so far even though there will be additional changes. We would also like to extend thanks the DNR air quality bureau for the rule changes in Chapters 20 and 22.

JIM RUBIS, from Fairfield said that a lot of the citizens of Iowa are desperate. They are concerned about the ever expanding hog confinements in the state. JFan is a newly organized group that has been around for less than a year to combat factory farms in Jefferson County. Our legislatures tell us that this matter is in the hands of the DNR and the DNR tells us that its in the hand of the Legislature. The County Supervisors say their hands are tied. Somebody has to do something. Once new regulations are put in, we can't put these people out of business. Our air quality has definitely gone down hill. The main economic driver that I see is greed. The ten counties with the highest population decrease from 1990-2004, seven of those counties are in the heart of the hog confinement areas in the state.

BARBARA KOLBACH, from Dexter and member of ICCI. Over the past week, there was an article about Clear Lake and how after four years they have made no progress in pollution control there. Yesterday, was an article about phosphorus control and our water supply in the state of Iowa and compared it to Minnesota and Wisconsin. There have been 137 new

confinement projects approved this year. In Iowa, we still see manure spill after manure spill, fish kills, beaches closed and multiple incidents of over manure application that we never hear about. Abundant clean lakes and streams are a gift to us and to Iowa, what are we doing with this gift and what are we allowing. The Iowa commissions and government are here to serve the greater public good. Last month the Sierra Club and CCI presented 1,000 signatures from Iowans demanding that you no longer allow factory farms to escape enforcement and regulation under the federal Clean Water Act. Today I submit to you 2,000 more signatures demanding that you create a rule now to require family farms to obtain permits for discharge. These petitions not only show people's concern for water protection but also an outcry to get the factory farms under control. The EPC should be proactive not reactive. We need local control and a moratorium now!

(The article regarding 137 new CAFO permits from the Des Moines Register was passed out to the Commissioners.)

RICH LEOPOLD, representing the Iowa Environmental Council addressed the proposed rule for Chapter 64. We do support the DNR's effort to push the collection of fees before the Legislature. I do share Ted Paysuer's and Pete Hamlin's concern about not wanting to generate more money for the general fund, but that if this happens then the money is a dedicated source that comes back to the DNR to adequately staff this program. There is a great example with the Title V air quality program and unless it's implemented right it's better not to implement it. With DNR preparing their budget, I would like to encourage funds for water monitoring. The last couple of years it has been at \$3 million, there will be a proposal from the DNR to add another \$800,000 and the monies being asked for are very important. We will be advocating strongly for this additional money.

MARIAN KUPER, farmer from Hardin County said that there are 50 hogs per every person in Hardin County, there are about 18,000 people which is a little more than 900,000 hogs. That's a lot of manure to spread, spray, eject and dump on our once beautiful land. Today, the Commission could give us a ray of hope by requiring Plymouth Dairy Farms to get a Clean Water Act operating permit. We need to enforce the Federal Clean Water Act. We know that there are over 200 impaired waters. The DNR's mission is to conserve and enhance our natural resources in cooperation with individuals in our organizations to improve the quality of life for Iowans and to ensure a legacy for all generations. The DNR has failed to enforce the Federal Clean Water Act. The DNR must step up to the plate and do its job. Do the right thing!

ROBERT MAINE, Superintendent of the Water Pollution Control Facilities in Newton opposed the wastewater permit fees. Awhile back I supported the storm water fees, however my experience with that program caused me great concern with the permit fees with the wastewater permit program. Just last week the City of Newton received an invoice by the DNR for its storm water permit fee renewal for the airport. In the years, that we have had the storm water permit for the airport, DNR has done absolutely nothing to provide any technical services, inspection, training or assistance for developing a storm water management program for that facility. All the DNR has done was collect fees. We had to employee the services of a consultant to develop a stormwater management plan to get approval from the DNR. I'm not sure that we should pay the

fee. If the DNR is going to charge fees within a certain program than the Legislature needs to redirect fees to go into that program to offer better services, rather than contributing to the general fund.

Donna Buell asked him and the others to step up and help the Legislature to redirect the funds back into the DNR programs.

STEPHEN TEWS, ICCI member said that he concerned with the impacts of factory farming on the waters of Iowa. I strongly urge you to make a course direction now by following through with the case of Plymouth Dairy and require operation under the Clean Water Act permit. Worldwide, more than 1 in 5 people do not have a regular supply of clean drinking water. We the people of Iowa do not want to join the 1 in 5 that do not have access to clean water.

RICH WHITE, with the Iowa Limestone Producers Association addressed the NPDES general permit No. 5 fees are going from \$0 to \$500 for a five year permit. We understand the need for the fee but we feel like the process is backwards. We are concerned with the fees going into the general fund. We don't believe they will benefit the DNR. We would like to see one of two things: approach the Legislature first and get the funds redirect to the DNR before we get the permit fees established or proceed with the rules with the stipulation that the funds get redirected to the DNR otherwise it's not valid. We would support the legislation to change this.

RICHARD BIRD, member of ICCI said that there have been more than 400 manure spills in the last ten years. 70% of those are from factory farms that have killed more than 2.6 million fish. There are over 200 rivers and lakes on the impaired waters list that we know of. We are setting ourselves up for the inaction that we have seen. All it would take is one good flood to take all of the filth and germs and poisons and dump it on people's streets and homes. Back in April, two people died while finishing the cleaning of a CAFO and the pits were empty. This is the stuff that people are dumping on their neighbors and we did nothing because the DNR doesn't have enough people. If there isn't enough people than why are they playing legal assistances to the CAFOs. I too reiterate that this state needs a moratorium until DNR can get thier stuff together. I would heartily ask that you refer the Plymouth Diary case to the Attorney General.

Henry Marquard asked what you want the DNR to do within their legal boundaries.

Richard Bird said that we need to make DNR control CAFOs. DNR is playing legal aid by helping them fill out the forms.

Jeff Vonk said that the DNR is not playing legal aid to CAFOs. DNR staff has investigated every spill that they were made aware of.

David Petty asked Richard to rethink his comments out of concern for the family and friends of the two individuals who were killed.

RON TIGNER, from Fort Dodge asked the DNR to require Clean Water Act permits for all large scale livestock operations. I encourage you to refer Plymouth Dairy Farms to the Attorney General's Office. This will help Iowans by implementing the Clean Water Act permitting process for such facilities. We have since 1946 donated the use of five acres of our farm to Dolliver State park, so I have grown up with a keen interest of protecting our environment while producing a living off the farm. It is my feelings that if large scale operations are as truly efficient as they claim to be then obtaining a Clean Water Act permit would be a very easy thing for them to do.

-----End of Public Participation-----

CONTESTED CASE DECISION - LELAND HEISDORFFER

Jon Tack, of the Legal Services Bureau presented the following item.

On October 15, 2004, the department issued Administrative Order Nos. 2004-SW-32, 2004-AQ-54, and 2004-WW-47 to Leland Heisdorffer for violations occurring at his property in Keokuk County. The order required Mr. Heisdorffer to cease the improper disposal of solid waste, stop the open burning of combustible materials, clean up the property and pay a penalty of \$10,000. That action was appealed by Leland Heisdorffer. A hearing on this matter was held on April 25, 2005. On May 24, 2005 the Administrative Law Judge issued a Proposed Decision that affirmed the order in all respects except that the department's civil penalty was reduced from \$10,000 to \$5,000.

Mr. Heisdorffer appealed the Proposed Decision issued on May 24, 2005 by the Administrative Law Judge. A briefing schedule has been established for the parties pursuant to the procedural rules found at 561 Iowa Administrative Code 7.15(5). Final argument is scheduled for the September 2005 Commission meeting. Any briefs that are filed will be provided to the Commission before the September meeting date.

Leland Heisdorffer said that since the beginning he has tried to follow the principal of avoiding anything that would contaminate water. I bought and sold used equipment for several years with 200 employees working, after my cancer I had to cut back on the operation. I had the opportunity to do the recycling for Dickinson County, which began in 1991. The contract lasted for five years. I had semi trailers to store everything. After it was full I delivered the materials to wherever they had to go. The contract ended in 1996, the County re-bid the contract and selected the high bidder. The contract was a carbon copy of mine, but he refused to take farm equipment and appliances which the contract specifically states that he needs to. So people came to me asking to drop off appliances because there is no other place in the county to leave them. So I continued to accept them, so that no one would leave them along the sides of the road, in the ditches or in a field. DNR inspectors have been to my recycling site about 20 times within 5 years. We piled the appliances until a guy came to take them. We also had a figure eight race track to keep the young people from racing on the highways. We did this for four years. A lot of the cars that are left today belonged to these kids that brought them in and left them and the other ones were my own. The DNR has received complaints that I was burying garbage on my land, so the DNR inspectors would come out and check. We were actually just preparing for the

figure eight races. When I was doing the recycling, the County left dumpsters there so that people could leave their garbage and recycling at the same place. The County hired guy that emptied the dumpsters. Every time he came he left a puddle of oil on the ground. Two different times in five years they broke hoses on the trucks and all the oil would dump out. When my contract was up with them, I would not let them take the dumpsters until the DNR had the inspection. I called the DNR to come out and they came out and said that there would be no problem since I had 18 inches of rock in place, after my request they did write a letter stating this situation. Another DNR inspector came out to look at everything and I told him that we had some mobile homes, which we were disassembling and burning the wood. He didn't have a problem with that. In 2004, I was turned in for burning that wood. In all of the DNR reports it stated that I put fire to the complete mobile home but that's not true. I only took out the wood and burnt that. Over the years, with all the inspectors my place has never changed. The same type of appliances and materials are there that have been and no one has ever said anything that we couldn't pile those appliances like we were. Under the circumstances, I should not be penalized for absolutely nothing. After the 2004 inspection, I was told that I needed a stormwater permit, so I called the Des Moines DNR office. They told me that I didn't need a stormwater permit because I was not an operating business. I received a letter from the Washington field office later on stating what I haven't done to fill the permits. So I went ahead and got a stormwater permit. I later received a call from the secretary at the Des Moines office asking why I had filled out the application if I had no business. I shouldn't be penalized for anything. I was being monitored by the DNR for 14 years and nothing was ever said that I was violating anything. I think we did a good job of recycling for the county and the state.

Jon Tack, attorney for the DNR passed around colored photos the Mr. Heisdorffer's property. In 1996, they lost their transfer station permit. These inspections occurred between 1991-1996. We did not have anyone out to the property until 2002 and that's disputed in the record whether it was a phone call or site visit. Violations were not disputed, which include illegal open burning, failure to have a stormwater permit, failure to have a compliance and manufacturing permit, failure of asbestos notifications, and serious violations over a length of time. There was some confusing on the stormwater permit but it eventually was worked out and Mr. Heisdorffer did receive his permit in 2004, but there was a long period where he wasn't covered. The administrative law judge agreed that the DNR was at some fault and rescinded the culpability portion of the penalty. The \$5000 penalty that we are talking about is \$4000 for the seriousness of the violations and \$1000 is for economic benefit, which was reduced from \$3000 that the department asked for. The department assessed expenses for disposing of the applications shown in the photographs.

Leland Heisdorffer said that if I would have known that I was going to be penalized for accepting appliances I would have stopped taking them and then let them go and dump them in the ditches. I did it to prevent illegal dumping. The DNR never inspected any of the appliances, so how can they penalize under an assumption that there were chemical components still attached. I am in the process of cleaning up the site. I have a Department of Transportation (DOT) Used Car Recycling permit, so the vehicles should not even be an issue with the DNR.

Motion was made by Donna Buell to affirm the Administrative Law Judge's decision. Seconded by Jerry Peckumn.

Henry Marquard said that he didn't believe that the state presented much evidence for the \$1,000 economic benefit penalty and that he would not support the \$1000 penalty.

Roll call vote went as follows: Donna Buell – aye; Francis Thicke – aye; Jerry Peckumn – aye; Henry Marquard – nay; Sue Morrow – aye; Mary Gail Scott – aye; David Petty – nay; Darrell Hanson – aye. Motion carried.

APPROVED AS PRESENTED

BUDGET REQUEST FOR FY 2007

Linda Hanson, Administrator of the Management Services Division presented the following item.

The Commission is asked to approve the Department's appropriation request for Fiscal Year (FY) 2007. FY07 marks the second year in which executive branch departments and agencies' budget requests are submitted via a process termed, "Purchasing Results." This process does not follow the traditional method of beginning with a base budget and adding and subtracting. Instead, it focuses on the results Iowans want from their state government. The Governor, Lt. Governor and ultimately, the Legislature become buyers of government services on Iowans' behalf. The state agencies are sellers of these services.

Purchasing Results sets up a marketplace where buyers try to get the best deal they can from sellers. For each result, buying teams purchase offers from sellers' offers that will best and most efficiently produce these results.

For all activities the Department wants to conduct in FY07 with appropriated funds, whether they be existing, modified, or new activities, "Offers" must provide a given result that will be evaluated against one another and compete with all others for the dollars allocated to that result.

Each Offer will align with one of the Legislative Budget Subcommittees to achieve results. Those seven Results Areas are as follows:

- Education
- Health and Human Services
- Economic Development
- Justice
- Agriculture and Natural Resources
- Transportation, Infrastructure, and Capitals
- Administration and Regulation

The final FY07 budget must be submitted to the Department of Management on or before October 1st.

INFORMATIONAL ONLY

REFERRALS TO THE ATTORNEY GENERAL**PLYMOUTH DAIRY FARMS, INC.**

Randy Clark said that Plymouth Dairy Farms is a 2,850 head dairy cattle operation located in section 9 of Plymouth County and approximately 5 miles south of LeMars. The facility consists of four confinement buildings, a roofed concrete manure/sand slurry separation pit, two earthen manure solids-settling basins and a one-cell earthen manure storage basin. The facility's manure processing system is comprised of three separate cells. The first violation was a freeboard exceedance at the storage basin. There was a manure release to the unnamed tributary of Plymouth Creek due to a plugged transfer pipe between cells 2 and 3, which caused cell 2 to overflow. Plymouth Dairy apparently cleaned up the incident. There was a repeat of this incident a few months later, this incident was not reported to the DNR it came to us through an unanimous complaint. We went out to look and it was basically the same situation. Manure was overflowing and running down through the field and into the stream. Again there were water quality violations. Plymouth Dairy did not report this because they thought the problem was corrected. In June 2005, the field inspectors observed about 4 different manure management plan violations. To summarize all of the violations: There were two failure to retain manure violations, one freeboard violation, one failure to notify the Department of the manure release, two water quality violations, two discharges to water of the state violations, and four manure management plan violations. Because of the number and seriousness of these violations, the Department urges the Commission to refer this matter to the Attorney General for further legal action.

Roger Bidger, Attorney from NW Iowa said that he was involved in the establishment of Plymouth Dairy about six years ago. This dairy is basically owned by one family, the Feurhelms, except for a small 1% owned by management. Which I have a statement from them. This operation is normally a very clean operation. The DNR brought tours out there because it was so well run and we were proud of that. So in 2004, we have two spills overnight within two months. We feel they are interrelated, we thought the problem was solved. There were some discrepancies and misunderstandings by both the DNR and the Feurhelms regarding the permit. We ask that you not refer this, we think we are good citizens and doing a great job, we've just had a couple of things happen to us.

Roger read the remarks from the Farm manager:

1. The first spilled that happened as caused by a plugged pipe in the middle of the night. This is the first and only time that it has happened and steps are being taken to try to prevent it from ever happening again. We have employees at the dairy round the clock. If the spill would have happened during the daylight hours someone would have noticed it much sooner, hopefully before anything goes away from our containment terrace.
2. Between the first spill and the second, the dairy had received about 10 inches of rain in a very short time period. We had emptied out the terrace after the first spill as directed by

the DNR. When all the rain fell, any that fell on the cement silage pad ran off and into the terrace, therefore filling it right back up after we had pumped it down. We assume the pressure of these two events on the terrace is what caused it to fail.

3. Concerning the second spill, in the report it says that the person who called in the spill said the ditch was completely full of manure. We would say that would be quite an exaggeration. When the DNR staff showed up to investigate, they came to the office to find me and then took me down to the site. When we got there, the spill was still currently in progress, and there was material in the ditch, but no means was it FULL and what was in the ditch was mostly run-off rain what along with run-off silage juice. I am not trying to minimize what happened just trying to set the record straight. The spill did happen and material got to the road ditch. The report also says that the material in the ditch was visible from the dairy's driveway. Did I see it, when I entered or left the dairy, no. Should I have seen the material in the ditch, probably so. IN the 5 years of operation, I have driven up and down the driveway several thousand times in the process of running the dairy. I always look to the left and the right for oncoming traffic so I don't cause an accident, but am not in the habit of a complete scan of the entire area. Most of my thoughts are on the many daily issues that I deal with in running the business. If I would have seen the material in the ditch, just not as large a volume of it. Again, I am not trying to make excuses, just trying to tell our side of the story. After this we plugged the leak in the terrace right away and little while alter had the terrace pumped out a second time.
4. When this event happened, no one felt worse about it than us, the owners of Plymouth Dairy Farms. Since out beginning 5 years ago we have been very proud of the farm and have opened our doors on countless occasions to show the public our facility and how it is run. In 2002 we had an open house and hosted over 2000 people including the Secretary of Agriculture Patty Judge. We have hosted countless tours for school children in the spring and fall of each year. We have hosted countless for tourists and several industry groups. We have hosted tours of groups from other Iowa communities who are considering building new dairy f facilities. In fact we have hosted tours sponsored by the Iowa DNR. We have done all of this with no benefit to us. It has taken a large amount of our time to conduct these tours and talk about our dairy, how it is run, and the benefits of the dairy industry to the state. We receive no benefit to ourselves. But we do these willing because we are very proud of what we do and proud to be part of the Iowa ag industry. Our dairy has been an open book to all. We have had nothing to hide and continue to have nothing to hide. We obviously wish these events had never happened, not so much because we are trying to avoid getting into trouble but because we are strong believes in being good stewards of the resources that we have to sue. No matter whether the spill had happened or not, our efforts still remain the same. To produce large quantities of high quality mile, while taking excellent care of our people and our cows, in an away that protects the land and the water. Both families that own Plymouth Dairy Farms have been in agriculture all of our lives. We believe no other dairy in northwest Iowa has done more to promote the industry and ag in general. We will continue to do so. Thank you!

Brad Fuerhelm showed a map of the Dairy farm.

Roger Bidger said that the only area where we are not in compliance, would be the manure management plan. We are working on getting that up to speed. The reason the MMP is not up to date is because the people we sell the manure to are not in our plan, so it was an oversight. Other than that I think we are in complete compliance.

Allan Fuerhelm said that during the first spill the manure could not flow into the second lagoon so it went over and down into the terrace and around back into the road ditch. I was informed of the spill first thing the next morning. I shut the pumps off and called the DNR. We went out and took preventative measures to avoid this happening again. We have no idea what caused the plugged pipe. It's never plugged before. We are going to put a filter strip along the road.

Brad Fuerhelm said that one of the problems with the manure management plan was because we didn't have a written agreement with the landowners to whom we sell the manure to. We've had verbal agreement with the tenants but they are not the landowners. So before we sell manure to them we will have written agreements. We also adjusted our application rates down based on the current findings. Between the spills, we had about 10 inches of rain.

Roger Bidger asked that the Commission not refer this matter to the Attorney General. I don't think this was iridous, but a happenstance due to the weather. They did everything they could.

Randy Clark said that there were water quality violations. There was water discoloration and odor. The terrace area is not an authorized backup, it does not meet the requirements.

Henry Marquard said that he has a hard time to refer when they are willing to cooperate.

Brad Fuerhelm said that we have a person in the barn taking care of the animals 24 hours a day and now he goes out about every other hour and drives around the lagoons to be sure that nothing is coming out.

Motion was made by Henry Marquard to hold a closed session regarding the referral of Plymouth Dairy Farms. Seconded by Donna Buell. Roll call vote went as follows: Donna Buell – aye; Francis Thicke – aye; Jerry Peckumn – aye; Henry Marquard – aye; Sue Morrow – aye; Mary Gail Scott – aye; David Petty – aye; Darrell Hanson – aye. Motion carried unanimously.

The Commission went into Closed Session.

Motion was made by Donna Buell to refer Plymouth Dairy Farms to the Attorney General. Seconded by Sue Morrow. Roll call vote went as follows: Donna Buell – aye; Francis Thicke – aye; Jerry Peckumn – aye; Henry Marquard – nay; Sue Morrow – aye; Mary Gail Scott – aye; David Petty – nay; Darrell Hanson – aye. Motion carried.

Darrell Hanson said that because we vote to refer does not mean that the people involved are bad people or bad operators. We are deciding whether or not referral is needed because of the violations.

REFERRED

CITY OF CLINTON

Henry Marquard removed himself for discussion and decision on this item due to a working relationship with the City of Clinton.

Diane Hansen, Attorney for the Department of Natural Resources said that the Clinton wastewater treatment facility consists of a collection system and a mechanical sewage treatment system. The mechanical sewage treatment system consists of a mechanically cleaned bar screen, two grit chambers, three primary clarifiers, three aeration basins, and four final clarifiers. The City was issued an Administrative Order in 2001. The order was issued due to frequent and significant violations of effluent limitations, including ammonia nitrogen, TSS, CSBOD5, and copper. The order required compliance with all NPDES permit effluent limits. The order was appealed but the appeal was later dismissed by the City. The City submitted a report in February 2002 that detailed the City's compliance with effluent limits in 2001. Based on that report no further action was required by the Department. The order was amended in April 2003 to require compliance with interim effluent limits, submittal of the POA by March 2004, and completion of wastewater treatment plant improvements by March 2007. The first amendment was issued due to significant violations of ammonia nitrogen limits in 2002. A second amendment to the order was issued in April 2004 to extend the due date for submittal of the POA. The POA was submitted to the Department. In January 2005 the City's engineer submitted the combined sewer system (CSS) operational plan that was required by the NPDES permit. Since amendment of the order in 2003, the City's WWTF has had numerous and excessive violations of the effluent limits for CSBOD and TSS.

Jay Brady passed out a timeline from the City of Clinton.

Gary Schellhorn presented the following information to the Commission.

October 1996, I submitted the application for renewal of our NPDES Permit which was set to expire in April 1997.

In 2000, we had several violations of our discharge permit for our effluent solids limit. This was caused by a variety of problems. One of the problems is hydraulic capacity. The City of Clinton's sewer system is 85% combined sewers. It is not uncommon during rainfall events for the plant flow to very quickly double or triple. This can cause a loss of solids due to hydraulic overload.

In July 2001, we were issued an Administrative Order from the DNR to solve these problems and we were levied a \$1000 fine.

In 2002, on several occasions I discussed with Mayor/Council/City Staff, the anticipated storm water rules. And the need for increased staff to implement these rules. I also discussed that these rules would require a great deal of work to be done to the collection system because of the collection system consisting of 85% combined sewers and having 14 combined sewer overflow structures.

In February 2003, we signed a contract with Stanley Consultants to complete a Rate Study that would provide funds to allow for construction of improvements to the plant and system needed to meet new rules that were coming.

In April 2003, we were issued an amendment to the 2001 Administrative Order that require the City to submit to the DNR a plan of action that would detail how the city would make plant improvement that would insure compliance with our permit. The plan of action was required to be submitted by March 15, 2004. The plant improvements are to be completed by March 15, 2007. We contracted with Stanley Consultants to complete that plant analysis and submit the report.

In June 2003, we were issued a new discharge permit by the DNR which details our discharge limits and also includes the requirements for the collection system to comply with the Nine Minimum Controls (NMC;s) for the combined sewer overflows.

In September 2003, we contracted with Stanley Consultants to develop a Combined Sewer System Operational Plan and submit the plan to the DNR for approval.

In Spring 2004, I received permission form the “City” to write the job description that would create a new position to handle all the duties the proposed Phase II Storm Water rules and the proposed Nine Minimum Controls, (NMC’s) would require.

In March 2004, Stanley Consultants requested from the DNR a time extension for submission of the Plan of action. That request was accepted by the DNR regional office in March with a new deadline of May 6, 2004.

On April 7, 2004, we were issued another amendment to the Administrative Order which changed the due date for the treatment Plant Plan of Action.

On May 27, 2004, I met with Gabe Lee from the Des Moines DNR office and Paul Brandy from the Regional DNR office and Jay Brady from Stanley Consultants to discuss the Plan of Action for the treatment plan and a time frame for implementation of the NMC’s for the Combined Sewer Overflow in the collection system. At this meeting there was a verbal agreement that we would need an extension of time to get the NMC’s completed. This is due to the fact that we have a considerable number of CSO’s to modify, which will require considerable construction in the collection system and the time limits in our permit issued in 2003 would not give us enough time to complete construction. During this meeting, it was suggested by the DNR that if we were anticipating constructing a new facility, we should talk with the City of Camanche. They informed us that Camanche has some issues they need to solve and possibly a “regional” plant would solve issues for both communities at an overall cost savings.

On June 28, 2004, the treatment plant Plan of Action was formally submitted to the DNR.

In July 2004, the city council approved the new staff position. The position was filled with a new hire within a few months.

On September 30, 2004, Paul Marshall from the EPA Region 7 office in Kansas City performed a Pretreatment inspection of the City of Clinton's Pretreatment Program. Several deficiencies were noted in the inspection. I immediately began making corrections to the program and attended a three day training session on pretreatment.

On November 9, 2004, the city contracted with Stanley Consultants for the design, bidding, and construction phase serves for Phase I of the CSO improvements.

On December 1, 2004, I met with Paul Brandt for the DNR Regional Office and Jay Brady and Karmen Heim from Stanley Consultants. Several issues were discussed including questions regarding the loading to the treatment plant and the need for a time extension to allow for sampling to verify loads to the treatment plant. We also purchased and installed a new flow based sampler for the headworks during this time. We also discussed the need for a revision to the Plant Action Plan. We discussed the possibility of needing an extension of time if a determination is made to construct a regional plant. We scheduled a time for Paul Brandt to conduct an inspection of the Clinton Treatment Plant on December 7th to look at the plant and new sampler location.

December 7, 2004, met with Paul Brandy from DNR at the Treatment Plant.

On December 17, 2004, Stanley Consultants submitted a letter to Paul Brandt at he DNR regional office, requesting modifications to the Plant Action Plan including a Proposed Schedule for Plant Modifications.

In January 2005, the Final Wastewater Rate Study was submitted to the city council by Stanley Consultants.

On February 18, 2005, I met with Paul Brandt from the DNR regional office at the Treatment Plant and we discussed several items including the CSO work, the Plant Action Plan, and the fact that the City would have to eventually being disinfecting the effluent. Paul Brandy also discussed Interim Limited for the Plant Effluent and Stipulated Penalties for any future compliance deviations. The stipulated penalties would be levied instead of an Administrative Order that would impose fines for past violations.

On April 27, 2005, a letter was issued from the DNR Regional Office to the City of Clinton that detailed Interim Limits for our effluent discharge and stipulated penalty amounts for any future plant violations. This letter was signed by Dennis Ostwinkle, the Field Office Supervisor.

On April 29, 2005, Paul Brandy called from the DNR Regional Office and discussed the contents of the April 27th letter. I told him I understood the requirements of the letter. He told me we would be issued an Administrative Order that would stipulate these penalties and the interim limits. This order would also include the modified schedule for the Treatment Plant Plan of Action.

In May 2005, new Sewer Rates were implemented in the City of Clinton. These new rates will provide funding for required plant and collection system work.

On May 24, 2005, Paul Marshall issued a report on the Pretreatment Inspection that he completed in September of 2004. I continued to work on deficiencies in our program.

In May 2005, Margie St Germain from the EPA Region 7 office in Kansas City spent two days inspecting the collection system and the combined sewer overflows. A report was given to sue detailing “potential” violations of CSO rules.

On July 13, 2005, we received an Administrative Order from the EPA Regional 7 office, detailing several items we needed to complete to bring our Pretreatment Program into Compliance. We have met the deadlines for the items discussed and have a couple more items to complete.

On August 23, 2005, the city contracted with Stanley Consultants to provide design, bidding, and contract administration for Riverview Park storm sewer modifications.

On August 30, 2005, we received the 60% drawings and contract documents from the Phase I CSO project for review.

On August 31, 2005, I met with Paul Brandt, Gabe Lee and Jay Brady in Des Moines to discuss design progress on the Treatment Plant to meet the Plan of Action. During this meeting, Paul Brandy told us that the Administrative Order discussed previously would not be issued. Instead, the DNR would present the issue to the EPC for referral to the Iowa Attorney Generals office for possible action. This would result in a Consent Order that would include fines for past effluent violations. I was told that the DNR attorney would contact the City Attorney to discuss representation at the EPC meeting on September 19th.

On September 1, 2005, I met with Jeff Kooistra and Bruce Johansen to inform them of the change from the proposed stipulated penalties and the proposed Administrative Order. A follow up conference call was made with Jeff, Bruce and I to Diana Hansen, Attorney for the DNR to discuss this issue.

On October 4, 2005, anticipate advertising for bids for the Riverview Park storm sewer modifications.

Mid Month October 2005, anticipate bidding and contract letting for Phase I CSO project.

Gary Schellhorn said that Clinton has several challenges: 85% combined sewers which can increase our flow in a short notice, 14 combined sewer overflows on our permit, and the development of a long term plan, and we have a problem that there is no room for expansion. We are looking to build a new treatment plant, though we are having property location difficulties. We also have to solve how to handle the solids. We have had some past violations. We do take the environmental concerns seriously. We have worked well with the DNR and will continue to do so.

Motion was made by Donna Buell to refer the City of Clinton to the Attorney General's Office. Seconded by Sue Morrow. Motion carried unanimously.

REFERRED

CONTRACT - SOLID WASTE ALTERNATIVES PROGRAM - RECOMMENDATIONS

Thomas Anderson, Environmental Specialist Senior of the Energy and Waste Management Bureau presented the following item.

The Department received 20 proposals, requesting over \$3.0 million in financial assistance, for consideration during the July 2005 round of funding. The Commission approved the three proposals initially selected for funding at their August meeting. Ten (10) of the original proposals had also been selected for additional consideration. After subsequent review, four (4) of these were selected for funding. If approved they will receive \$580,050 in a combination of forgivable loans and zero interest loans and three-percent (3%) loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Jennifer Reutzel & Tom Anderson), Iowa Society of Solid Waste Operations (Lavene Payne), Iowa Recycling Association (Machele Henderson), and the Iowa Waste Exchange (Fred Kesten).

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Portion	Loan
Local Government	1	\$300,000	\$40,000	
Private For Profit	3	\$280,050	\$61,825	
Private Not For Profit	0	\$0	\$0	
Recommended By Project Type	# Awards	Award Amount	Forgivable Portion	Loan
Best Practices	3	\$521,825	\$81,825	
Market Development	1	\$58,225	\$20,000	
Education	0	\$0	\$0	
Type of Award	# Awards	Award Amount	Forgivable Portion	Loan
Forgivable loan only	1	\$21,825	\$21,825	
Forgivable and 0% loan only	1	\$58,225	\$20,000	
Forgivable, 0%, and 3% interest loan	2	\$500,000	\$60,000	

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

Motion was made by Mary Gail Scott to approve the SWAP contract recommendations as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – PRAIRIE SOLID WASTE AGENCY - HAZARDOUS CHEMICAL MANAGEMENT FOR RURAL AND FARM HOUSEHOLDS

Thomas Anderson, Environmental Specialist Senior of the Energy & Waste Management Bureau presented the following item.

The Department is seeking approval to enter into a contract with Prairie Solid Waste Agency, for the purpose of providing project management and technical assistance to counties participating in the Hazardous Chemical Management for Rural and Farm Households project. The Department applied for and received a grant in the amount of \$89,500 from the Rural Development Division of the USDA to fund this project and the Department will apply a \$4,195 match to federal funds through existing staff time devoted to the project.

The Energy and Waste Management Bureau holds regular meetings with the State's Regional Collection Centers. Through these meetings, a need was found for additional technical assistance for Regional Collection Centers and landfill association staff. This additional technical assistance is required for these local agencies to provide more effective education and awareness to rural and farm families on proper management of hazardous chemical materials.

In response to this need, Department proposes to increase the capacity of Iowa's Regional Collection Center and landfill associations to effectively educate rural Iowans on proper disposal and handling of hazardous materials and solid waste on farmsteads. This goal will be accomplished by:

- Developing an educational program in three rural counties, Union, Jones and Crawford, that will be used as a template for statewide services;
- Providing guidance and technical assistance to Regional Collection Center and landfill association staff to apply State-based environmental assessment and environmental marketing initiatives in their local programming efforts;

- Increasing the awareness among Regional Collection Center and landfill association staff of the issues facing farm families regarding solid waste and hazardous materials disposal;
- Assisting Regional Collection Centers and landfill association staff to carry out effective outreach to rural Iowans; and
- Providing statewide training and outreach/instructional materials for all Regional Collection Center and landfill association staff in Iowa.

The outcome of this project will be improved management of hazardous materials and solid waste on Iowa's farmsteads, a reduction in surface and groundwater pollution and a reduction in human and animal exposures to hazardous substances.

At this time, the Department is requesting Commission approval to enter into a contract with Prairie Solid Waste Agency to provide project management on behalf of the Department.

Motion was made by Francis Thicke to approve the contract as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - UNITED STATES GEOLOGICAL SURVEY - STREAM MONITORING ON BIG RIVERS

Mary Skopec, Section Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of a contract in the amount of \$160,105 with the United States Geological Survey (USGS) for monitoring of Iowa's largest rivers and development of pollutant loads from these streams.

This contract is a cooperative cost-share agreement between the Department and the USGS for the monitoring large streams. The purpose of the project is to collect consistent, representative water-quality data from sites on the major rivers draining Iowa that will allow nitrogen, phosphorus, and pesticides loads that are transported to the Missouri and Mississippi to be quantified. Data will be collected that are compatible with that collected as part of the IA-DNR ambient water monitoring program and the USGS NAWQA and NASQAN programs. Samples will be collected monthly to document seasonal variability. Because high-flow events (floods) can carry large amounts of suspended and dissolved constituents, an average of two additional samples per site will be collected yearly during high flows. A uniform number of high-flow samples will most likely not be collected at each site. For example, initially flood sampling will be focused on western Iowa sites that have little high-flow data in contrast to a number of the eastern Iowa sites that have been sampled previously as part of the NAWQA and NASQAN projects. This will allow a more accurate estimate of yearly loads throughout the State. An intensive effort will be made to sample any river that is experiencing exceptional (25 year or more recurrence) flooding.

The contract amount will be used for stream monitoring at 10 stream sites (see Table 1). Parameters to be analyzed are shown in Table 2 and include basic water chemistry, nutrients, and pesticides. These sites are co-located with USGS stream gages and therefore allow the state to determine the mass loading of various contaminants leaving the state.

Funding for this agreement is available from Environment First Infrastructure Funds and the United States Geological Survey.

Motion was made by David Petty to approve the contract with USGS as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - CENTER FOR HEALTH EFFECTS OF ENVIRONMENTAL CONTAMINATION – GROUNDWATER MONITORING AT PRIVATE WELLS

Mary Skopec, Section Supervisor of the Water Monitoring and Assessment in the Iowa Geological Survey and Land Quality Bureau presented the following item.

The Department requests Commission approval of a contract in the amount of \$49,000 with the Center for Health Effects of Environmental Contamination for groundwater monitoring at randomly selected private wells. The contract period is from September 1, 2005 – June 30, 2006.

This contract builds upon the SWRL (Statewide Rural Water Study) project conducted in the late 1980s on the quality of water for rural residents drinking from private wells. This study is envisioned to be a multi-year project to determine the current status of drinking water in private wells as well as to determine the trends in water quality since the last time the study was undertaken. This is a joint effort with the Iowa Department of Natural Resources, CHEEC, University of Iowa Hygienic Laboratory, University of Iowa College of Public Health, USGS, IDALS, and the Iowa Department of Public Health. This contract covers the first year sampling of the project and includes costs for a part-time project manager, data management, some data collection, and travel costs.

Funding for this agreement is available from the Environment First Fund. This contractor was chosen for their specialized expertise in collecting and analyzing public health data and associated environmental contaminant data.

Motion was made by Henry Marquard to approve the contract with CHEEC as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - UNITED STATES GEOLOGICAL SURVEY - STREAM GAGING, GROUNDWATER LEVEL MEASUREMENTS, AND GROUNDWATER QUALITY MONITORING

Mary Skopec, Section Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of a contract in the amount of \$180,500 with the United States Geological Survey (USGS) for stream gaging and groundwater monitoring activities.

This contract continues the cooperative cost-share agreement between the Department and the USGS for the measurement of stream flows. The contract amount will be used for stream gaging at 25 stream sites, 4 lake stations, and sediment sampling at two stream locations. Continuous stream discharge measurements at the USGS gages can be used to predict flooding as well as irrigation water supply. The measurement of stream flow is a critical element of a water-monitoring program because it is used in the calculation of mass loading of various contaminants to receiving water bodies. The two of sediment stations (Iowa River at Wapello and Skunk River at Augusta) were supported by the U.S. Army Corps of Engineers (COE) as long-term sediment stations for more than 20 years. When fiscal year 2002 budget cuts to the COE eliminated funding for these sediment stations, the Department incorporated these stations into the USGS contract to preserve the data record.

Funding for this agreement is available from Environment First Infrastructure Funds, Fish and Wildlife Trust Funds, and 319 Federal EPA grants to the TMDL program.

Motion was made by Donna Buell to approve the contract with USGS as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE - AMEND IOWA ADMINISTRATIVE CODE 567-CHAPTER 101; "SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS"

Chad Stobbe, Program Planner of the Energy & Waste Management Bureau presented the following item.

The Commission was asked to review the Notice of Intended Action that would make minor amendments to IAC 567—Chapter 101 "Solid Waste Comprehensive Planning Requirements." This proposed rule revision is needed to implement HF 399 that was passed by the 2005 General Assembly.

The request for action on this chapter is to incorporate minor revisions pertaining to solid waste comprehensive planning and the disposal of solid waste by planning areas at sanitary landfills located in another planning area. These revisions will add flexibility for planning areas in addressing the comprehensive planning requirements.

Under the proposed rule revision, a planning area that closes all of its municipal solid waste sanitary landfills and uses a transfer station to send all waste to a RCRA Subtitle D compliant sanitary landfill located in another planning area, is allowed to retain its autonomy for solid waste comprehensive planning purposes. These changes directly reflect changes to Iowa Code per HF 399.

The Commission will be asked to approve this Notice of Intended Action at its October 2005 meeting.

INFORMATIONAL ONLY

PROPOSED RULE – RESCIND IAC 567—CHAPTER 211 “GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTES”. ADOPT BOTH IAC 567—CHAPTER 211 “FINANCIAL ASSISTANCE FOR THE COLLECTION OF HOUSEHOLD HAZARDOUS MATERIALS AND HAZARDOUS WASTE FROM CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS” AND IAC 567—CHAPTER 123 “REGIONAL COLLECTION CENTERS AND MOBILE UNIT COLLECTION AND CONSOLIDATION CENTER” IN LIEU THEREOF.

Theresa Stiner, Environmental Specialist Senior of the Energy & Waste Management Bureau presented the following item.

The Commission was requested to approve the attached Notice of Intended Action (NOIA). The NOIA is to rescind Iowa Administrative Code (IAC) 567—Chapter 211 “Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes”. Moreover, current 567—Chapter 211 will be replaced with IAC 567—Chapter 211 “Financial Assistance for Collection of Household Hazardous Material and Hazardous Waste From Conditionally Exempt Small Quantity Generators” and IAC 567—Chapter 123 “Regional Collection Centers and Mobile Unit Collection and Consolidation Centers”.

IAC 567—Chapter 211 will be rescinded; however, the requirements are split and updated into two new chapters. New IAC 567—Chapter 211 will be dedicated to the financial assistance for collection of household hazardous materials and materials for conditionally exempt small quantity generators. IAC 567—Chapter 123 will be dedicated to the permitting requirements for Regional Collection Centers and Mobile Unit Collection and Consolidation Centers.

The changes to IAC 567—Chapter 211 will move the application ranking from the rule to the application guidelines to allow greater flexibility in funding projects that best meet the intent and goals of the program. New IAC 567—Chapter 211 also outlines the eligibility requirements for semiannual assistance payments to RCCs and MUCCCs.

The changes to IAC 567—Chapter 123 will consolidate all the RCC permitting requirements from IAC 567—Chapters 102, 104 and 211 into one chapter. There are several changes to the RCC permit requirements. First, all permitted RCCs will be required to file a semiannual report, rather than just those seeking reimbursement.

Second, the closure plan requirements will be revised so that they are more applicable to the concerns of an RCC. Furthermore, an education plan will be required as part of the permit.

IAC 567-Chapter 123 also establishes a new permit, Mobile Unit Collection and Consolidation Centers (MUCCC) for collection systems that utilize mobile collection events on a regular basis, but do not provide public access to a fixed facility. The permit requirements for the MUCCC are very similar to the RCC permit requirements, however they must provide the dates and locations of the mobile events. The events must total at least 16 hours a month in each county served.

Finally House File 602 of the 2005 Legislative Session amended Iowa Code 455F, which is the basis for RCC reimbursements. The Code changes transition the monies the Department utilizes for RCCs from a primary allocation toward establishment grants to a primary allocation to reimbursement. Moreover, the Code changes allow eligible private agencies that collect household hazardous materials (HHM) and are part of a comprehensive plan to receive assistance. Thus, minor amendments to administrative rules have been made to reflect these Code changes.

There will be events scheduled for collection. Will be back at the October meeting.

INFORMATIONAL ONLY

PROPOSED RULE – AMENDMENTS TO CHAPTER 64 BY ADDING LANGUAGES TO START COLLECTING A FEE FOR WASTEWATER PERMITS

Angela Chen, of the Water Quality Bureau presented the following item and distributed a copy of the presentation that will be presented to Stakeholders.

The notice of intended action for changes to Chapter 64 “Wastewater Construction and Operation Permits” is being presented to the Environmental Protection Commission for information. The amendment adds language and new requirements to section 64.16 to set a fee structure for wastewater permits in the state of Iowa.

The following is a summary of the proposed amendments to the rules:

64.16(1)

- Language is added to address the proposed fees in 64.16(3).

64.16(2) Payment of Fees.

- Language is added to clarify who current fees are made payable to and to define who the proposed fees are made payable to.

64.16(3) Fee Schedule.

- Fee requirements are added to 64.16(3)(a)(5) for NPDES General Permit No. 5 (Mining and Processing Facilities).
- The fee requirements in 64.16(3)(b) are changed to remove the annual fee option for individual storm water permits, and to remove the storm water group application category, as group applications for storm water permits are no longer accepted.
- Fee requirements are added to 64.16(3)(b) for municipal, semi-public, operation, industrial, and animal feeding operation facilities subject to NPDES or operation permits.
- Fee requirements are added to the new 64.16(3)(c) for construction permits.
- Each type of facility will have an individual monetary amount associated with it.
- The fees will be assessed for each facility on an annual basis, with the exception of storm water individual permits, whose fees will continue to be assessed with the storm water permit application.
- No annual wastewater fees will be assessed for municipal water treatment facilities.
- A one-time application fee of \$85 will be assessed for each non-storm water application for a NPDES permit.
- The initial date of fee submission is proposed to be 30 days after the effective date of this proposed rule.

National Pollutant Discharge Elimination Program (NPDES)

Presentation Overview

- NPDES permit statistics
- NPDES permit status
- Permit workload
- NPDES program strategies
- Program cost and revenue
- Fees
- How the fees will be used?

NPDES Permit Population

- Municipal
 - Major = 107
 - Minor = 687
- Industrial
 - Major = 30
 - Minor = 336
- Semi-public = 283
- Others = 93

- Total = 1526

More permits

New permit applications = 48

Backlog = 234 (as of July 29, 2005)

There will be a spike of permit renewals in 2006.

Changes are needed

- Goal –
To increase the speed, quality and quantity of NPDES permits by developing a standardized process with clear review criteria and better communication with stakeholders.

A Kaizen event was held during the week of September 27, 2004. The results included: improved customer services, more application forms came back as completed than before Kaizen, Average number of permits drafted a month increased slightly, though not enough to meet the workload demand.

Current Permitting Process Improvement

- Looking inside the boxes – what does a permit writer do to draft a permit?
- Goals for process improvement:
 - To issue permits faster and more accurately
 - To document the permitting process for consistency among permit writers and for training new staff
- Status
 - Flow chart almost completed
 - Steps identified and being documented

Benefits to Permit Holders

- Every effort is made to renew the permits before they expire
- Permit writers are identified 10 months (minor) to a year (major) before permit expiration
- Partially filled application forms will reduce their time in completing the forms
- Follow up calls from permit writers will offer them assistance completing the forms or interpreting the instructions
- Non-compliance issues are dealt with before permit reviews are delayed

How can Permit Holders Help?

- Fill the application forms completely and sign them
- Provides required data promptly
- Publish the Public Notice Promptly and inform permit writer as the publication date
- Provide improvement suggestions to permit writers

Wastewater Program goals

- Over 90% of permits are current

- Increased assistance from wasteload allocation staff to both permit writers and consultants
- More prompt permit review and approval for non-SRF projects
- Increased compliance assistance

NPDES Program Strategies

- Continue the process improvement to increase efficiency
- Prioritize permits to be processed
- Seek opportunities for using general permits
- Charge a fee to complement the existing funding sources

NPDES Program Cost (FY05 budget)

NPDES permitting = \$700,000

(municipal, industrial, semi-public...)

compliance services and inspections = \$1,630,000

TOTAL: \$2,330,000

NPDES funding sources

- General fund
- Federal Fund/grant

AFO Program Cost

- | | |
|---------------------------------------|-------------|
| ○ AFO permitting | \$506,000 |
| ○ Geological reviews | \$186,000 |
| ○ Compliance services and inspections | \$1,875,000 |
| TOTAL | \$2,567,000 |

AFO NPDES Program Funding Sources (FY05)

- Manure compliance fund: \$1,860,000
- State General Fund

For further information, please visit www.iowadnr.com

Donna Buell asked why weren't urging the legislature to redirect the funds.

Henry Marquard agreed with Donna and also stated that the fees should be higher in order to include all costs.

Francis Thicke said that we should establish the fees and then go to the legislature and try to have them redirect the funds.

INFORMATIONAL ONLY

**CONTRACT – ONE SOURCE CEU TRAINING FOR OPERATORS OF NON-GRADE –A-
SMALL PUBLIC WATER SUPPLIES**

Steve Hopkins, of Water Quality presented the following item.

The Department requests Commission approval of one contract in the amount of \$160,857 with One Source Training. One Source Training is a partnership of Iowa's 15 community colleges that develops, schedules and arranges delivery of training at multiple Iowa locations utilizing the resources and expertise of community colleges.

The Safe Drinking Water Act requires Public Water Supply Systems to be regulated and their operators to be certified. The purpose of this contract is to provide detailed training, through the use of community colleges across the state, on multiple topics to operators of drinking water supply systems serving populations fewer than 3,300 that are not classified as Grade A systems, for the purpose of providing CEUs for certification renewal.

Funding for this contract comes from the EPA Operator Certification Reimbursement Grant (Cost Center 7136) awarded to the Department to provide technical assistance, training, and certification for water supply operators of public water systems serving fewer than 3,300 persons.

On June 18, 2005, the Commission approved seven contracts for public water supply operator training. This contract provides additional training on topics not covered by the prior approved vendors. (See Attachment #2)

This contractor was chosen because:

- the contractor is an established partnership of Iowa's 15 community colleges, bringing the training expertise and demographic coverage of the colleges to this contract;
- the contractor's proposed topics for this project are those that have been identified by Field Office staff as high priority training needs;
- the contractor's proposed topics are distinct and uniquely different from other contractor training; [see Attachment #2]
- the contractor's proposal cost is reasonable.

Motion was made by Donna Buell to approve the contract for One source CEU training as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

**DRINKING WATER AND CLEAN WATER STATE REVOLVING LOAN FUND – 2006
INTENDED USE PLAN SECOND QUARTER UPDATES**

Patti Cale-Finnegan, Water Quality Bureau presented the following item.

Commission approval of the second quarter updates to the Drinking Water and Clean Water State Revolving Fund Intended Use Plans (IUPs) for 2006 is requested. The Commission approved the FY 2006 IUPs in July 2005.

The Second Quarter Updates of the FY 2006 IUPs include the amended lists of projects proposed to receive loan assistance. For the Drinking Water SRF, we propose to add one project to the priority list. For the Clean Water SRF, we propose to add two projects this quarter.

We propose to amend amounts for Drinking Water SRF set-asides as work plans continue to be revised. A transfer of funds from the federal fiscal year 2005 capitalization grant is also proposed, with funds shifting from the Clean Water SRF to the Drinking Water SRF.

A public meeting was held August 19, 2005 to receive comments on the proposed IUP. Oral comments were received at the meeting from two people. The written comment period closed on August 26, 2005. The comments and department response are attached. No changes were made to the project priority list as a result of the public participation process.

Patti distributed a handout on planning and design loans for Wastewater, Storm Water and Drinking Water infrastructure.

We are trying to promote and create a demand for loans. We are trying to make the processes more streamlined, more attractive to borrowers, and to make sure that everyone understands what is available.

Motion was made by Donna Buell to approve the projects and transfer of the funds as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - IOWA STATE UNIVERSITY EXTENSION SERVICE – MANURE APPLICATOR CERTIFICATION TRAINING

Gene Tinker, Animal Feeding Operations Coordinator presented the following item.

The Department requests Commission approval of a contract in the amount of \$146,850 with Iowa State University Extension Service to provide manure applicator certification training and testing for the time period of July 1, 2005 through June 30, 2006. The training and testing are pursuant to HF 644 and HF 2494.

The purpose of this contract is to support activities to develop manure certification training and testing materials for commercial manure applicators and confinement site manure applicators. Topics covered in the training materials will include: certification and manure management

requirements of Iowa law and DNR rules; proper procedures for the storage, handling and land application of manure; the potential impacts of manure on surface and groundwater; the development of safety and emergency action plans; and sources of additional technical and educational assistance.

Funding for this contract is provided by fees collected from the Manure Applicator Certification Program.

Darrell Hanson abstained from discussion and voting due to a working relationship with Iowa State University.

Motion was made by David Petty to approve the contract with ISU Extension Service as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF TERMINATION - MAJOR NEW SOURCE REVIEW RULES: CHAPTERS 20, 22, 31 AND 33

Christine Paulson, Environmental Specialist Senior of the Program Development Section presented the following item.

The Commission is asked to terminate a Notice of Intended Action to amend Chapter 20 “Scope of Title-Definitions-Forms-Rules of Practice,” Chapter 22 “Controlling Pollution,” Chapter 31 “Nonattainment Areas,” and Chapter 33 “Special Regulations and Construction Permit Requirements for Major Stationary Sources – Prevention of Significant Deterioration (PSD) and Nonattainment Area Rules” of the 567 Iowa Administrative Code.

On December 31, 2002, the U.S. Environmental Protection Agency (EPA) promulgated revisions to the major New Source Review (NSR) rules. The NSR program contained in parts C and D of Title I of the Clean Air Act is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under the Clean Air Act. The rules promulgated by EPA in December 2002 are commonly referred to as the NSR Reform rules. These rules required states to adopt the changes by January 6, 2006.

Beginning in March 2004, the Department convened a technical workgroup (facilitated by the Department of Economic Development) to review the elements of the major NSR program affected by the federal rule revisions. The workgroup was tasked with making recommendations to the Department regarding the adoption of the federal rules into the Iowa Administrative Code. The Department incorporated the Workgroup’s recommendations to draft the Notice of Intended Action (NOIA) proposing to adopt the NSR Reform rules.

The NOIA was approved by the Commission on January 18, 2005. The NOIA was published in the Iowa Administrative Bulletin (IAB) as ARC 4005B on February 16, 2005. Public hearings were held on March 18 and March 23, 2005. No comments were presented at the hearings. At the request of EPA Region VII, the Department extended the public comment period to May 2, 2005. The amended NOIA extending the comment period was published in the IAB as ARC 4128B on April 27, 2005. The Department received EPA's written comments, as well as one additional written comment letter, prior to the end of the extended public comment period.

In May and June 2005, the Department and EPA Region VII met to discuss EPA's comments on the NOIA. The Department was in the process of resolving the comments with EPA when the U.S. Appeals Court, District of Columbia, issued a ruling on June 24, 2005, on the petitions filed against the federal NSR reform rules.

The court upheld many of the NSR reform provisions, but also vacated and remanded back to EPA some of the significant components. The court upheld the Plant-wide Applicability Limits (PALs) provisions, the Baseline Actual Emissions (BAE) test, and the Projected Actual Emissions (PAE) tests. The court vacated the Clean Unit provisions and the Pollution Control Project (PCP) provisions. The court remanded back to EPA certain recordkeeping provisions for sources.

The court ruling has serious implications for Iowa's NSR reform rulemaking. On August 8, 2005, EPA formally requested that the court reconsider its ruling. However, according to EPA Region VII, the regional offices have not received any guidance from EPA Headquarters on how to proceed with NSR reform.

The Department has asked EPA Region VII to provide directions and guidance as soon as possible. The Department is also committed to adopting final NSR Reform rules that will be acceptable to EPA, and ultimately approved into Iowa's SIP. However, this does not appear to be possible at this time.

In light of these recent developments, the Department is asking the Commission to terminate the NOIA. The Department must either issue a final rule or terminate the current NOIA by September 23, 2005. Given this procedural deadline, and the current absence of EPA guidance, terminating this rulemaking is the most logical course of action at this time. The Department will continue to implement the current NSR rules contained in rules 22.4 and 22.5.

The Department is resolute in building on the momentum from the NSR Reform workgroup's considerable efforts and resulting recommendations. As such, the Department will begin working on a new NOIA as soon as guidance from EPA becomes available.

Motion was made by David Petty to approve the termination of Chapters 20,22,31 and 33. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE - CHAPTERS 20 AND 22 (AIR CONSTRUCTION PERMITTING EXEMPTIONS)

Wendy Rains, Environmental Specialist Senior of the Program Development Section presented the following item.

The attached Notice of Intended Action to amend Chapter 20 “Scope of Title-Definitions-Forms-Rules of Practice” and Chapter 22 “Controlling Pollution,” of 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for information. Approval to proceed with the rulemaking process and publish a notice of intended action on these proposed rule amendments will be requested at the October 2005 Commission meeting. The purpose of this rulemaking is to list additional equipment and processes that, due to do their low emissions of regulated air pollutants, are not required to obtain construction permits.

In July 2005, the department and representatives from Iowa industrial facilities, the Iowa Department of Economic Development, the University of Northern Iowa Air Emissions Assistance Program, and Region VII of the U.S. Environmental Protection Agency (EPA) met again to develop additional exemptions from construction permitting. The workgroup first convened in January 2005 to specify how “indoor” sources of air pollution are addressed in construction permitting. “Indoor” sources are sources of air pollution that are not directly vented to the outside but have emissions that leave the building through doors, vents, or other means. The department has historically required that equipment or processes at these sources be permitted only if they were part of a significant project, or if the emissions were exhausted indoors in a manner that was intended to circumvent the requirement to obtain a construction permit. Based on the recommendations of the workgroup, the department is further clarifying through these rules which equipment or processes are exempted from the requirement to obtain a construction permit. The first workgroup meeting resulted in 12 new exemptions that were approved at the August EPC commission meeting.

Seven additional exemptions were proposed at the conclusion of the second workgroup meeting. The exemptions include:

- Research & development (R&D) definition and exemption
- Storage tanks
- Equipment using hot melt adhesives
- Wet grain handling
- Product labeling
- Regional collection centers
- Cold solvent cleaning machines

Technical justifications were prepared by the workgroup members to support the validity of exempting each of these equipment and processes from the requirement to obtain a construction permit. As a result of the technical reviews, additional safeguards were built into some of the exemptions to further protect human health and the environment. A draft of the technical justification document can be viewed at www.iowacleanair.com.

The department believes that these amendments do not represent a relaxation of air pollution permitting or control requirements but represent historical expectations for construction permitting. These amendments are expected to have little or no environmental or human health consequences.

INFORMATIONAL ONLY

PROPOSED RULE - AMENDMENTS TO CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND CHAPTER 134, CERTIFICATION OF GROUNDWATER PROFESSIONALS

Tim Hall, Bureau Chief of Geological and Land Quality presented the following item.

The notice of intended action for changes to Chapter 135 "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks" and Chapter 134, "Certification of Groundwater Professionals." The amendments provide for the certification of UST compliance inspectors and third party inspection of regulated UST systems.

Chapter 135 is being amended to require owners and operators of UST systems to have a 3rd party compliance inspection of their UST system every year. An inspector certified by the department under the new Chapter 134 rules would perform the inspection. The rule amendments are a result of meetings with stakeholders in the petroleum industry over the past year concerning funding of the department's UST Section and the direction of the program. The stakeholders recommended requiring 3rd party inspections to promote better compliance and focus department inspections/enforcement actions.

The department will be meeting with stakeholders in September to review the proposed 3rd party inspection rules. The final rules presented for notice at the October commission meeting may have changes as a result of the stakeholder meetings. The department was required act quickly on these rules due to a 28E agreement with the Iowa UST Fund for funding the UST program. The agreement sets quarterly milestones for promulgating the 3rd party inspection rules and beginning 3rd party inspections. A reduction in funding can occur if the milestones are not met.

INFORMATIONAL ONLY

CONTESTED CASE DECISION - WAYNE STAAB

Anne Presozi, Attorney of the Legal Services Bureau presented the following item.

On December 21, 2004, the department issued Administrative Order No. 2004-AQ-64 to Wayne Staab. The order was issued because on November 24, 2004, Mr. Staab open burned rubber tires during the clearing of trees at a farmsite. The order required Mr. Staab to pay a penalty of \$1,000.00. That action was appealed by Mr. Staab, and the matter proceeded to an administrative hearing on May 31, 2005. On June 10, 2005 the Administrative Law Judge issued a Proposed

Decision that affirmed the order with the exception of the \$100.00 penalty amount assessed for economic benefit.

Both Mr. Staab and the department have appealed the proposed decision issued on June 10, 2005 by the administrative law judge. A briefing schedule has been established for the parties pursuant to the procedural rules found at 561 Iowa Administrative Code 7.15(5). Final argument is scheduled for the September 2005 Commission meeting. Any briefs that are filed will be provided to the Commission before the September meeting date.

Mr. Staab will not be in attendance today. He has been informed but felt the need to farm was more important. I have talked with Mr. Staab and he is aware of the \$300.00 penalty for culpability.

Anne said that the DNR is in agreement with the proposed decision by the administrative law judge. We issued an administrative order for \$1000.00 and received \$900.00. It's not about the money but how the administrative law judge worded the situation that concerns us.

Tom Roos, a DNR Environmental Specialist was driving in Plymouth County when he noticed a plume of black smoke. Roos followed the smoke to a farm owned by the appellant. Roos saw the appellant and a contractor at a site approximately 100 yards north of the farmhouse. The appellant and his contractor had cleared a grove of trees and were using rubber tires to help ignite the fire. Roos estimated that there were about 30-40 tires on the burn pile. Roos told the appellant that it was illegal to burn tires and asked him to remove any tires that could be safely separated from the pile. Roos took a number of pictures of the site, which clearly depict tires on the burn pile. Roos also observed a storage pile of tires at the back of the appellant's grove. The appellant admitted that he used some of the tires from the storage pile to ignite the tree waste fire but for other purposes as well.

The Administrative Law judges read, "While the evidence supports the DNR's claim that it would have cost the appellant approximately \$100.00 to dispose of the tires, his purpose in burning the tires was not for cheap disposal but rather as a way to ignite the fire. Based on this record the \$100.00 economic benefit estimate should be reversed. "

Our concern is that the Administrative law judge incorrectly incorporated the issue of the appellant's intent into the economic analysis.

We would impose that from the conclusions of the law, we would say something that the appellant disposed of the rubber tires by using them to ignite the fire that he was setting to dispose of trees cleared from his farm site. The appellant gained an economic benefit of 100.00 from the disposal of approximately 30-40 tires used in the burn pile based on this record, the 100.00 for economic benefit was justified.

Darrell Hanson said that we can't and shouldn't determine the intent of the individual's action. He comes across as naïve about the fact of illegally burning tires.

Henry Marquard said that he doesn't believe there is enough information to make a rule of law here. Clearly the economic benefit would be warranted, maybe we don't need a revised statement.

Motion was made by Henry Marquard to strike the 2nd to last paragraph on page 5 of the proposed decision and to reinstate the administrative order as issued for the 100.00 penalty for economic benefit. Seconded by Francis Thicke.

Francis Thicke said that on page 5, number 3, it says "including the degree if intent or negligence, whether the case involves the false reporting of required information or tampering with monitoring devices; and whether the violator has taken remedial measures or mitigated the harm cause by the violation." He did say that he did know there was a find. I tend to believe that he didn't really know.

Darrell Hanson said that he admitted to culpability before he knew what it meant in the terms of this context. He did say he was willing to pay that part of the fine because he admits doing it.

Motion was made by Donna Buell to affirm as amended. Seconded by Henry Marquard. Motion carried unanimously.

AFFIRMED AS AMENDED

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Attorney General Report

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Status	Updated	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred		7/18/05

Boyer, William Boyer's Sand & Rock Hawarden (3)			Underground Tank	UST Closure	Order/Penalty	Referred	7/18/05
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter UPDATED	(2)		Drinking Water	Monitoring/Reporting-Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing Date Order (\$2,500/Admin.)	9/15/03 9/23/04 7/19/05 7/22/05
CDI, LLC Forest City (2)			Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Crest Country Inn UPDATED			Wastewater	Monitoring/Reporting	Order/Penalty	Referred Petition Consent Decree (\$3,500/Admin. and Injunction)	2/21/05 7/12/05 7/14/05
Dos, Jim Black Hawk Co. (1)			Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	7/18/05
Ellis, Trent Calhoun Co. UPDATED	(3)		Solid Waste Air Quality Animal Feeding Operation	Illegal Disposal; Open Burning; Prohibited Discharge Confinement	Order/Penalty	Referred Petition Filed Answer Motion for Partial Summary Judgment Ruling Granting Partial Summary Judgment (\$3,000/Admin.; Injunction; Liable for Civil Penalties) Trial Date for Civil Penalties	8/16/04 2/25/05 3/21/05 7/01/05 8/01/05 9/29/05
Gettler, Dean Montgomery Co. NEW	(4)		Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	8/16/05
Ginger, Roger Everly (3)			Underground Tank	UST Closure	Order/Penalty	Referred	5/15/05
Grain Processing Corp. Muscatine (6)			Air Quality	Emission Standards	Referred to Attorney General	Referred	2/21/05
Handlos, Lawrence Audubon Co. UPDATED	(4)		Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without	Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree (\$50,000/Civil and Injunction)	7/21/03 3/12/04 8/16/05 8/15/05

Permit							
Hoffman, Matt Plymouth UPDATED	Co.	(3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty	Referred Petition Filed Motion for Default Judgment Order Granting Default Judgment (\$5,000/Civil; \$750/Admin.; Injunction	8/16/04 2/23/05 7/21/05 8/08/05
Juhl, Richard Cass Co. (4)			Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Kass, David Plymouth Co. (3)			Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	7/18/05
Kelly, Pat Construction Woodbine (4)	d/b/a	Kelley	Underground Tank	UST Closure	Order/Penalty	Referred	5/16/05
Leigh, Marsha Glenwood UPDATED		(4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 9/30/05
Mobile World LC Camanche UPDATED		(6)	Air Quality Solid Waste	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Bankruptcy Petition Filed Plan for Reorganization Appearance by State in Bankruptcy	8/16/04 4/08/05 4/13/05 4/13/05 6/17/05
Northeast Iowa Citizens for Clean Water (NICCW)			Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03

DNR's Brief in 12/22/03
 Resistance 1/29/04
 Hearing on Motion 2/04/04
 Ruling Denying Stay 3/01/04
 NICCW's Motion to 4/08/04
 Reconsider 4/20/04
 DNR's Resistance 4/28/04
 Hearing on Motion to
 Reconsider 5/11/04
 Ruling Denying Motion
 to Reconsider 6/08/04
 NICCW's Application
 for 2/25/05
 Interlocutory Appeal
 DNR's Resistance to 2/27/06
 Interlocutory 5/16/05
 Appeal
 Supreme Court Order 6/02/05
 Denying
 NICCW's Appeal 6/22/05
 NICCW's Motion for
 Summary
 Judgment
 Trial Date
 State's Brief in
 Resistance to Motion
 for Partial Summary
 Judgment
 Hearing on Motion for
 Partial
 Summary Judgment
 Ruling Granting Partial
 Summary
 Judgment

Organic Technologies; Tim			Referred	12/15/97
Danley;			Petition Filed	10/02/98
Ken Renfrow; Mike Danley	Solid Waste	Permit Violations	Application for	2/04/99
Warren Co. (5)			Temporary Injunction	4/19/99
			Temporary Injunction	9/13/00
			Trial Date	9/28/00
			Partial Judgment	12/12/02
			(Clean-up Order)	2/20/03
			Contempt Application	2/20/03
			Contempt Hearing Date	
			Contempt Finding and	
			Civil Penalty	7/09/03
			(\$100,000 and 30	8/01/03
			Days in Jail –	
			Suspended until	8/01/03
			7/8/03)	8/20/03
			Hearing Regarding	9/18/03
			Contempt	4/16/04
			Order Regarding	12/10/04
			Bond/Cleanup	
			Deadline	
			Bond Posted	
			State Objections to	
			Bond	
			Ruling Denying	
			Objections to Bond	
			Status Hearing Date	
			Hearing on Motion to	
			Extend Cleanup	
			Deadline	

Robertson, Ryan Jefferson Co. (6)	Wastewater	Stormwater Violations	Permit	Referred Attorney General	to	Referred	4/27/05
Roney, Jerry Huxley (5)	Underground Tank	Site Assessment		Order		Referred	5/16/05
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other		Order		Referred	4/21/03
Roquette America Keokuk UPDATED	(6) Air Quality	DNR Defendant		Defense		Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06
Schelling, Carl Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan		Order/Penalty		Referred Petition Filed	10/18/04 1/27/05
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth UPDATED	(1) Drinking Water	Permit Renewal		Orders/Penalties		Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant		Defense		Petition Filed Answer Filed	10/18/04 11/04/04

SK Food & Fuel
Davenport (6)
05-UT-02; 05-UT-03

Underground
Tank

UST
Deficiencies;
Check

System
Site

Order/Penalty

Referred

7/18/05

Stone v. Rembrand Enterprises,
Inc.

Animal
Feeding
Operation

DNR Defendant

Defense

Petition Filed
State Motion to Dismiss
Hearing
Trial Date
Ruling Dismissing
Damage Claims

12/06/04

1/10/05

3/07/05

4/25/06

5/17/05

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period August 1, 2005 through August 31, 2005, 7 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '04	9(8)	0.065	0.030	3	0(1)
November '04	11(4)	0.728	0.083	4	0(0)
December '04	7(11)	0.382	0.004	3	0(0)
January '05	6(5)	0.222	0.057	0	0(0)
February '05	9(10)	5.063	0.049	4	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '05	14(8)	0.359	0.087	5	0(0)
May '05	18(9)	0.138	0.003	3	0(0)
June '05	7(7)	0.262	0.068	0	0(0)
July '05	5(3)	0.454	0.004	3	0(0)
August '05	7(13)	0.077	0.022	2	0(0)
September '04	5(4)	0.131	0.068	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
5	0	0	0	1	1

12/12/95	Vernon Kinsinger	6	Order/Penalty	AQ/SW	Tack	Hearing set for 8/22/05.
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys

	Consultants, Inc.					unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. City will submit SEP proposal in June, 2005.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty. Refer to DIA.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Hearing set for 8/09/05.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept.

						letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Investments, Inc. Four	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter to City resolving issue of TKN monitoring. Case settled. 11/04/04 – City's letter agreeing to dismiss appeal upon issuance of NPDES permit with no TKM monitoring requirements.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/W W	Tack	9/03/04 – Onsite meeting resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer.

						1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/S W	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/S W	Tack	All tires have been removed. Follow-up inspection to be scheduled.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/H C	Tack	Investigating Brownsfields opportunities.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter

						to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 5/05 – Status report requested from Dept. engineer.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch. Will dismiss Easter Enterprises, Inc. as a party.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Compliance achieved. SEP proposed.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
11/19/03	Harlan Clasen	3	Order/Penalty	AQ/S	Tack	Pre-hearing

				W		conference set for 8/01/05.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Schoenebaum	Negotiating before filing.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/SW	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Preziosi*	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		Order/Penalty	UT	Wornson	Sent letter with settlement deadline 2/14/05. Tier 2 completed. Settlement finalized. 7/25/05 - Penalty paid. Motion to dismiss filed 7/25/05.
3/01/04	Shenandoah, City of	4	Order/Penalty	AQ/SW	Tack	Settled. Settlement agreement sent 6/24/05.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.

3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
3/24/04	Lake Place	2	Order/Penalty	WS	Book	Unable to locate owner. Order rescinded. Case closed.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
4/19/04	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
4/26/04	Miles McDougal	3	Order/Penalty	AFO	Book	ALJ confirmed order with full penalty. Penalty plan in place and payments are on schedule.
5/04/04	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibbelink	3	Order/Penalty	AFO	Clark	5/06/08 - Sent to DIA to be set for hearing. No petition filed. Default issued.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	Order/Penalty	AFO	Clark	No petition filed. DNR filed for default. 6/02/05 – Penalty payment received. Case closed.
5/11/04	Williams Brothers Garage	4	Order/Penalty	WW/S W/AQ	Tack	6/1/05 – New property owner is conducting the clean-up.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/12/04	Hunt Brothers; Chris Hunt	3	Order/Penalty	AFO	Book	Order and penalty affirmed by ALJ.
5/13/04	Allen Hoeper	1	Order/Penalty	AFO	Clark	No petition filed. DNR filed for default. Awaiting decision.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	Order/Penalty	AFO	Wornson	Compliance achieved. Negotiating SEP.

5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	Order/Penalty	WW	Tack*	Negotiating before filing.
6/02/04	Racer's Bar and Grill	2	Order/Penalty	WS	Book	Penalty paid in full. Case closed.
6/09/04	Kevin Miller	1	Operation Permit	WS	Hansen	6/24/04 – FO1 letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance. 3/17/05 – FO 1 reports that WS does not want to pursue appeal and they are complying with permit. WS to furnish letter dismissing appeal.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and letter from WS's engineer submitted. Dept. engineer determined that letter did not meet Dept. requirements for an engineering report. Hearing re-set for 9/16/05. Settlement meeting set for 7/27/05. Meeting held – proposed consent order discussed.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Negotiating before filing.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	Order/Penalty	AFO	Clark	Hearing set for 9/30/05.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	Order/Penalty	AFO	Clark	Hearing set for 9/30/05.
6/25/04	Steve Renze	3	Order/Penalty	AFO	Clark	Hearing set for 9/30/05.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/S	Tack	Site visit to be

				W/WW		scheduled.
6/29/04	Imperial Properties	5	Order/Penalty	UT	Wornson	7/26/05 – Awaiting signed settlement agreement.
7/15/04	Dean and Sharon Gettler	4	Order/Penalty	AFO	Book	8/15/05 – Referred to AG.
7/20/04	Chad Kooima	3	Order/Penalty	AFO	Book	Hearing held 6/27/05. Order affirmed. Penalty reduced to \$1,200. 8/15/05 – Penalty payment received. Case closed.
7/26/04	B & B Sandhill Swine	1	Order/Penalty	AFO	Clark	Hearing set for 9/15/05.
7/26/04	Randy Gergen	3	Order/Penalty	AFO	Clark	Hearing set for 8/29/05. No petition filed. Default entered.
7/27/04	John Hansen Farms	3	Order/Penalty	AFO	Clark	Hearing held 8/29/05.
7/27/04	Steve Van Utrecht	5	Order/Penalty	AFO	Clark	Settled. Penalty paid. Case closed.
8/02/04	James Vermeer	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/02/04	Dennis Rowenhorst	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.
8/17/04	Harold Dekkers	3	Order/Penalty	AFO	Book	Hearing held 8/29/05. Awaiting decision.
8/19/04	F.J. Krob & Co.	1	Order/Penalty	HC/W W	Tack*	Negotiating before filing.
8/26/04	Jim Schmitz	3	Order/Penalty	AFO	Clark	Hearing held 8/29/05.
8/30/04	Don and Bill Adam, Inc.	6	Order/Penalty	AFO	Clark	Sent to DIA 5/06/05. 7/28/05 – Penalty payment received. Case closed.
9/01/04	Iowa State University	5	Order/Penalty	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	Order/Penalty	AFO	Book	No petition was filed. Dept. filed for default. Default granted.
9/10/04	Tschiggfrie Excavating Co.	1	Order/Penalty	WW	Tack	Follow-up inspection requested 5/19/05.
9/14/04	JK Farms, Inc.	3	Order/Penalty	AFO	Clark	Penalty paid. Case closed.
9/14/04	Bill Schrock	6	Order/Penalty	WW/S W	Tack	Negotiating before filing.
9/20/04	David Meyer	6	Order/Penalty	AFO	Book	Hearing held 6/27/05. Order and penalty affirmed. 8/26/05 – Penalty payment received. Case closed.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Meeting schedule for 5/31/05. Meeting to

						be rescheduled at the request of EnviroBate. Meeting rescheduled for 9/12/05.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
10/05/04	Mike Teske; Teske Pork	2	Order/Penalty	AFO	Clark	Hearing held 8/30/05.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	To be set for hearing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	Hearing set for 9/30/05.
10/14/04	Garlen Perry; Paula and Percilla Lattin	4	Order/Penalty	AQ/S W	Book	Consent amendment final with Lattin. Perry determined unable to pay. Case closed.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
10/26/04	S & V Fence & Deck Co.	6	Order/Penalty	AQ	Book	Settled. Awaiting signed consent amendment.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Settlement meeting to be set.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Hearing rescheduled for 10/24/05.
11/03/04	Patrick M. Pinney Contractors	3	Order/Penalty	AQ	Book	Negotiating before filing.
11/03/04	Greg Vanden Bosch; G & T Eggs	3	Order/Penalty	AFO	Book	Hearing set for 8/30/05.
11/03/04	Leland Heisdorffer	6	Order/Penalty	AQ/S W/WW	Tack	ALJ decision issued 5/24/05. ALJ decision appealed to EPC.
11/05/04	Darrel Behrens; Kelly Behrens	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
11/09/04	Donald Hopp	4	Order/Penalty	SW	Tack	Clean-up is underway.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
11/15/04	Acme Fuel & Materials	6	Order/Penalty	AQ	Book	Settled. Consent amendment in place. 7/28/05 – Penalty payment received. Case closed.
11/19/04	Steve Bouchard	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
11/30/04	James Brown	3	Order/Penalty	AQ	Book	Waiting to hear from parties on settlement offer.
12/06/04	Keith Kruse	3	Order/Penalty	AFO	Clark	Hearing scheduled for 11/21/05.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Hearing set for 11/21/05.

12/07/04	Crestview MHP	5	Order/Penalty	WW	Hansen	8/02/05 – Consent Order sent to MHP attorney for signature.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/17/04	Greg Gerber	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
1/03/05	Paul Rehder	3	Order/Penalty	AFO	Clark	Hearing scheduled for 11/18/05.
1/04/05	Matt Gehling	4	Order/Penalty	AFO	Clark	Hearing scheduled for 11/21/05.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing.
1/06/05	E & N Farms	3	Order/Penalty	AFO	Clark	Settled. Payment plan on schedule.
1/07/05	Wayne A. Staab	3	Order/Penalty	AQ	Preziosi	Hearing held 5/31/05. Both parties appealed to EPC. Briefing schedule set. Appeal will be before EPC at September meeting.
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	Order/Penalty	AQ	Preziosi	Hearing set for 10/7/05.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settlement meeting held 3/07/05. Follow-up regarding non-penalty issues and penalty settlement.
1/19/05	Consolidated Energy	4	Order/Penalty	UT	Wornson	Negotiating before filing.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/S W	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
1/25/05	Jim Hawk Truck Trailers	6	Order/Penalty	UT	Wornson	Negotiating before filing.
2/03/05	Olsen Fuel Supply, Inc.	4	Order/Penalty	UT	Wornson	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/08/05	Crestview Mobile Home Park	5	Permit Conditions	WS	Hansen	Settled. Amended permit drafted.
2/14/05	Rick Halma	3	Order/Penalty	AFO	Book	Hearing set for 11/18/05.
2/16/05	Rick Nikkel	5	Order/Penalty	AFO	Book	Hearing set for 11/18/05.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.

2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/03/05	Ivan Kenney	4	Order/Penalty	AFO	Clark	Hearing scheduled for 10/24/05.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/S W	Tack	Follow-up inspection requested 5/19/05.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	Order/Penalty	UT	Wornson	Sent to Attorney General.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	Order/Penalty	UT	Wornson	Sent to Attorney General.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/23/05	Patrick Jones	3	Order/Penalty	AFO	Book	Hearing set for 11/21/05.
3/25/05	Fran Oil Co. (2 AOs)	4	Order/Penalty	UT	Wornson	Negotiating before filing.
3/25/05	Genesis Two Holdings	1	Order/Penalty	UT	Wornson	Negotiating before filing.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
3/31/05	Stewart Construction, Inc.	3	Order/Penalty	AQ/S W	Tack	Clean-up completed.
3/31/05	William Butterfield	2	Order/Penalty	AQ/S W	Preziosi	Negotiating before filing.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Negotiating before filing.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Negotiating before filing.
4/13/05	H & K Pony Express; Roger Holland	6	Order/Penalty	WW	Wornson	Negotiating before filing.
4/15/05	Reginald Parcel	6	Order/Penalty	AQ/S W	Preziosi	Negotiating before filing.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Negotiating before filing.
5/12/05	Atlantic, City of	4	Order/Penalty	AQ/S W	Preziosi	Working on consent order with appellant.
5/20/05	Midwest Tennis & Track	4	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before filing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	New case.
8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	New case.
8/22/05	William Mauw; Mauw's Egg Ranch	3	Order/Penalty	AFO	Book	New case.

DATE: September 1, 2005

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Steve Van Utrecht Mahaska Co. (5)	Animal Feeding Operation	Failure to Submit Plan	Consent Amendment	8/04/05
Dean Gettler Montgomery Co. (4)	Animal Feeding Operation	Failure to Submit Plan	Referred to AG	8/16/05
Garlen Perry Shenandoah (4)	Air Quality Solid Waste	Open Burning; Disposal	Illegal Amended Order	8/23/05
Vernon Kinsinger dba K & K Sanitation, Washington Co. (6)	Air Quality Solid Waste	Open Burning; Disposal	Illegal Consent Order	8/23/05
E & N Farms, Lyon Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Payment Schedule	8/23/05
Stuart Yoder, Kalona (6)	Air Quality Solid Waste	Open Burning; Disposal	Illegal Order/Penalty \$5,000	8/25/05
Greg Popkes; Popkes Car Care, Inc., Rock Rapids (3)	Air Quality	Open Burning	Consent Order \$1,000	8/30/05

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
September, 2005

Proposal	Notice to comm.	Notice Publish	ARC	Rules Review	Hearing	Comen t per	Final Summ to comm.	Rules adopted	Rules publish	ARC	Rules Review	Rules effective
1. Ch. 20 – Addition of Definitions for Biodiesel Fuel, #1 Fuel oil and #2 Fuel Oil	4/18/05	5/11/05	4159B	6/14/05	6/14/05	6/20/05	7/18/05	7/18/05	8/17/05	4433 B	*9/13/05	*9/21/05
2. Ch. 20, 22, 31 and 33 – Major New Source Review Rules	1/18/05	2/16/04	4005B	3/04/05	3/18, 23/05	3/25/05	Termination 9/19/05	*9/19/05	*10/12/05		*11/08/05	*11/16/05
3. Ch. 22 – Air	4/18/05	5/11/05	4160B	6/14/05	6/13,	6/24/05	8/15/05	8/15/05	*9/14/05		*10/11/05	*10/19/05

Construction Permitting Exemptions					16/05							
4. Ch. 23 – Clarification Regarding Ordinary Travel on Unpaved Public Roads	4/18/05	5/11/05	4158B	6/14/05	6/15/05	6/17/05	8/15/05	*8/15/05	*9/14/05		*10/11/05	*10/19/05
5. Ch. 23 – NESHAP Update	7/18/05	8/17/05	4434B	9/13/05	9/16/05	9/16/05	*10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
6. Ch. 61 – WQ Standards: Warm Weather Stream Use Designation Assessment Protocol	8/15/05	*9/14/05		*10/11/05			*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06
7. Ch. 61 – WQ Standards: Protected Flow, General Use Classification Changes and the Rebuttable Presumption Approach	8/15/05	*9/14/05		*10/11/05			*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06
8. Ch. 65 – Open Feedlot Regulations	8/15/05	*9/14/05		*10/11/05			*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06
9. Ch. 65 – Open Feedlot Regulations							8/15/05	8/15/05	*9/14/05		*10/11/05	*8/24/05
10. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs	4/18/05	5/11/05	4164B	6/14/05	5/31/05 6/1, 2/05	6/10/05	*10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
11. Ch. 136 – Financial Responsibility Requirements for USTs	6/20/05	7/20/05	4353B	8/09/05	8/09/05	8/12/05	*10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05

**Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases**

During the period August 1, 2005, through August 31, 2005, 0 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot Application	Confinement	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (8)	0 (0)	6 (2)	6 (2)	3 (2)	13 (6)	2 (0)	0 (0)	0 (0)	2 (0)
November	9 (5)	2 (0)	4 (2)	1 (2)	2 (1)	6 (5)	2 (0)	0 (0)	1 (0)	1 (0)
December	2 (4)	0 (0)	2 (2)	0 (0)	0 (2)	2 (3)	0 (0)	0 (1)	0 (0)	0 (1)
January	0 (1)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (1)	0 (0)	0 (0)	0 (1)	1 (0)	0 (1)	0 (0)	1 (0)	0 (0)	0 (0)
March	1 (5)	0 (1)	1 (0)	0 (0)	0 (3)	0 (4)	1 (0)	0 (0)	0 (0)	1 (1)
April	6 (10)	0 (0)	2 (4)	1 (4)	3 (2)	5 (7)	1 (3)	0 (0)	0 (0)	0 (5)
May	3 (2)	1 (0)	1 (1)	0 (0)	1 (1)	2 (2)	1 (0)	0 (0)	0 (0)	0 (0)
June	2 (2)	0 (0)	1 (1)	0 (0)	1 (1)	0 (2)	2 (0)	0 (0)	0 (0)	0 (1)
July	3 (2)	1 (0)	2 (2)	0 (0)	0 (0)	2 (1)	1 (1)	0 (0)	0 (0)	2 (2)
August	0 (1)	0 (0)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (1)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	42 (41)	4 (1)	19 (15)	8 (9)	0 (0)	30 (32)	10 (4)	1 (1)	1 (1)	6 (10)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month:

1	2	3	4	5	6
0	0	0	0	0	0

COMPLIANCE AND ENFORCEMENT BUREAU

DATE: September 1, 2005

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

Environmental Protection Commission Minutes

September 2005

AMOUNT	NAME/LOCATION	DUE DATE	PROGRAM
	Otter Creek Station (Dubuque Co.)	WS	325 3-04-99
	R & R Ranch (Osceola)	WW	10,000 8-30-00
	Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000 2-28-01
	Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200 5-06-01
	Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380 7-06-01
	Donald and Marie Phillips (Milo)	WW	1,300 7-09-01
	Keith Craig; The Farm (Council Bluffs)	UT	3,890 8-08-01
	James Harter (Fairfield)	WW	1,800 8-01-01
#	Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100 3-08-02
#	Practical Pig Corporation (Clinton Co.)	AFO	2,000 5-26-02
	Midway Oil Co.; David Requet (Davenport)	UT	6,430 9-20-02
	Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930 12-17-02
	Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250 1-12-03
	Allan Scott (Marion Co.)	SW/WW	1,150 1-15-03
	Peter Cook (Grand Mound)	AQ/SW	500 2-10-03
*	Winter Mobile Home Park (New Hampton)	WS	250 2-15-03
	U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690 2-28-03
	Midway Oil Co.; David Requet; John Bliss	UT	44,900 2-28-03
	Duane Crees (Muscatine Co.)	AQ/SW	1,160 3-01-03
	Nevada, City of SEP	WW	3,000 3-14-03
	Midway Oil Company (West Branch)	UT	7,300 5-03-03
	Midway Oil Company (Davenport)	UT	5,790 5-03-03
	Efren Valdez (Warren Co.)	SW	4,000 6-09-03
	Mobile World LC (Clinton Co.)	SW	2,250 6-29-03
	Casey's General Stores, Inc. (Various Locations)	UT	15,000 8-01-03
	Casey's General Stores, Inc. (4 Locations)	UT	4,500 8-01-03
	McMahon's Bar & Ballroom (Andover)	WS	500 8-08-03
*	Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975 12-15-03
	Robert L. Nelson (Orient)	UT	2,450 12-26-03
	Mark Anderson (Des Moines Co.)	AQ/SW	10,000 3-22-04
#	Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000 3-23-04
	Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000 3-27-04
#	James Hoogland (Sioux Co.)	AFO	2,000 4-11-04
	Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000 5-07-04
	John Danker (Lee Co.)	AQ/SW	10,000 5-22-04
	R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000 5-23-04
	Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800 5-25-04

# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
#*James Boller (Kalona)	AFO	4,750	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	1,000	9-30-05
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04
Americana Bowl (Ft. Madison)	WS	500	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
# Dean Pedersen (Pocahontas Co.)	AFO	750	1-19-05
# Dean Paustian (Scott Co.)	AFO	750	2-07-05
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	4,450	6-06-05
* Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,150	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	10,000	6-10-05
* Dennis Gailey (Moorland)	AQ/SW	5,300	6-18-05

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Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Scott Antisdell (Carrol Co.)	AFO	750	6-21-05
# Dennis Kuehl (Cass Co.)	AFO	3,000	6-24-05
O R Entertainment d/b/a Ringo's (Mason City)	WS	1,025	6-25-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
* Country Terrace Mobile Home Park (Ames)	WW	2,900	9-01-05
# Steve Grettenberg (Webster Co.)	AFO	500	7-02-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
#*Miles McDougall (Plymouth Co.)	AFO	375	8-04-05
Dr. Ed Cook (Cherokee Co.)	AQ	2,000	8-11-05
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	2,200	8-19-05
* Imperial Properties, Inc. (Des Moines)	UT	9,000	9-01-05
* Exira, City of	AQ/SW	3,000	9-01-05
# E & N Farms, Ltd. (Lyon Co.)	AFO	3,000	9-15-05
* Crest Country Inn (Iowa Co.) No. 2	WW	1,500	10-15-05
Vernon Kinsinger (Washington Co)	SW	8,130	12-31-05
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
# Rick Renken (Plymouth Co.)	AFO	750	-----
Stuart Yoder	AQ/SW	5,000	-----
Greg Popkes; Popkes Car Care, Inc. (Rock Rapids)	AQ	1,000	-----
TOTAL		453,861	

The following cases have been referred to the Attorney General:

Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt	AQ/SW	2,000	2-16-98
Douglas (Marion Co.)			
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98

Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	3,100	3-30-03

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Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Richard Juhl (Cass Co.)	AQ/SW	4,700	
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
# Jim Dos (Black Hawk Co.)	AFO	3,000	5-04-05
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300	
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000	
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000	
TOTAL		259,930	

The following administrative penalties have been appealed:

AMOUNT	NAME/LOCATION	PROGRAM	
	Dennis Malone & Joanne Malone (Morning Sun)	UT	600
	Dallas County Care Facility (Adel)	WW	2,500
	Richard Sprague (Tripoli)	AQ/SW	5,000
	Gerald and Judith Vens (Scott Co.)	FP	5,000
	# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
	# Dan Witt (Clinton Co.)	AFO	3,000
	R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
	Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
	LeMars, City of	WW	10,000
	Dallas County Care Facility (Adel)	WW	5,000
	Robert Ward (Lee Co.)	WW	1,450
	Partners Four Investments, Inc. (Marble Rock)	UT	5,280
	William Habhab (Fort Dodge)	SW	1,500
	Kevin Wallerich (Keota)	SW/WW	500
	# Doug Wedemeyer (Adair Co.)	AFO	2,500
	Mt. Pleasant, City of	WW	500
	Charlotte Caves (Oskaloosa)	HC	10,000
	Clifton Clark (Moorhead)	AQ/SW	1,500
	# Kenneth Dahlhauser (Whittemore)	AFO	2,500
	Stanley Siems (Hardin Co.)	AQ/SW	7,500
	Schell Family Partnership (Boone Co.)	HC/SW	5,000
	River City Development; Russell Hardy (Mason City)	UT	2,480
	Chelsea, City of	WW	3,000
	# Glen Samuelson (Adams Co.)	AFO	1,000
	# Merrell Butler (Adams Co.)	AFO	1,000
	# Doug Osweiler (South English)	AFO	5,000
	# Ray Slach (Cedar Co.)	AFO	3,000

# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke;	WW	10,000
(Whispering Woods - Council Bluffs)		
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	5,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence	AFO	1,500

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Clark (Osceola Co.)		
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hower (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
# JK farms, Inc. (Plymouth Co.)	AFO	3,000
Bill Schrock (Stockport)	SW/WW	2,000
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
# Mike Elsbernd (Winnebago Co.)	AFO	3,000
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000

# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000
Donald Hopp (Mills Co.)	SW	2,200
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Steve Bouchard (Cherokee Co.)	AFO	3,000
James Brown; Brian Stickney (Oto)	AQ	3,500
# Keith Kruse (Clay Co.)	AFO	1,500
Crestview Mobile Home Park (Ames)	WW	10,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Greg Gerber (Lyon Co.)	AFO	3,000
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
# Paul Rehder (O'Brien Co.)	AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500
Wayne Staab (Plymouth Co.)	AQ	1,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Consolidated Energy Co. LLC (Whiting)	UT	6,000
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
Jim Hawk Truck-Trailers of Davenport, Inc. (Davenport)	UT	6,427
# Rick Nikkel (Jasper Co.)	AFO	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Olsen Fuel Supply, Inc. (Atlantic)	UT	7,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500
# Ivan Kenney (Guthrie Co.)	AFO	3,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
# Patrick Jones (Dickinson Co.)	AFO	1,500
Fran Oil Co. (Council Bluffs)	UT	7,000
Fran Oil Co. (Council Bluffs)	UT	3,000
Iowa Oil Co.; HRV Petro; Two Holdings (Dubuque)	UT	6,300
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Stewart Construction Ltd. (Lyon Co.)	AQ/SW	2,500
William Butterfield (Mason City)	AQ/SW	3,000
Dirk Graves (Glenwood)	AQ	1,000
Roger Holland (Farmington)	WW	7,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500

Environmental Protection Commission Minutes

September 2005

Reginald Parcel (Henry Co.)	AQ/SW	1,000
Paul Launderville; Midwest Tennis & Track (Denison)	AQ/SW	7,500
Atlantic, City of	AQ/SW	10,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000
# Scott Lenz (Carroll Co.)	AFO	8,000
# William Mauw; Mauw's Egg Ranch (Sioux Co.)	AFO	3,000
TOTAL		735,704

The following administrative penalties were paid last month:

AMOUNT	NAME/LOCATION	PROGRAM
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100
* Imperial Properties, Inc. (Des Moines)	UT	1,000
# Steve Van Utrecht (Mahaska Co.)	AFO	625
* Exira, City of	AQ/SW	1,000
* Exira, City of	AQ/SW	1,000
# Chad Kooima (Sioux Co.)	AFO	1,200
* Country Terrace Mobile Home Park (Ames)	WW	110
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	2,500
#*Miles McDougall (Plymouth Co.)	AFO	125
# David Meyer (Cedar Co.)	AFO	1,500
Quad County Corn Processors Cooperative (Galva)	AQ	10,000
Quad County Corn Processors Cooperative (Galva)	AQ	10,000
* Crest Country Inn (Iowa Co.) No. 2	WW	500
TOTAL		29,660

The following penalty has been rescinded:

Garlen E. Perry (Shenandoah)	AQ/SW	3,000
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**Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions**

During the period August 1, 2005, through August 31, 2005, 66 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance				Mode				
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	52 (73)	2 (11)	29 (45)	21 (17)	17 (21)	27 (41)	2 (2)	2 (1)	0 (3)	4 (5)
November	68 (70)	14 (9)	33 (42)	20 (19)	21 (20)	34 (39)	1 (1)	2 (1)	0 (1)	10 (8)
December	58 (51)	8 (10)	34 (29)	16 (12)	19 (21)	29 (27)	3 (0)	2 (0)	0 (1)	5 (2)
January	58 (44)	6 (7)	36 (25)	16 (12)	20 (9)	28 (32)	1 (2)	1 (0)	1 (1)	7 (0)
February	46 (41)	4 (5)	25 (20)	17 (16)	12 (13)	24 (24)	4 (1)	2 (1)	1 (0)	3 (2)
March	70 (71)	11 (9)	43 (38)	16 (24)	25 (21)	33 (47)	1 (0)	1 (1)	3 (0)	7 (2)
April	102 (99)	35 (44)	46 (42)	21 (13)	32 (30)	51 (63)	2 (0)	3 (3)	3 (0)	11 (3)
May	60 (66)	20 (17)	29 (40)	11 (9)	23 (18)	29 (39)	1 (2)	3 (2)	0 (0)	4 (5)
June	88 (77)	12 (18)	56 (43)	20 (16)	22 (26)	52 (42)	2 (1)	6 (0)	1 (1)	5 (7)
July	69 (76)	7 (19)	37 (44)	25 (12)	22 (12)	33 (56)	2 (0)	4 (0)	0 (4)	8 (4)
August	66 (57)	10 (11)	44 (35)	12 (11)	20 (18)	39 (30)	1 (3)	2 (2)	1 (0)	3 (4)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	737 (725)	129 (160)	412 (403)	195 (161)	233 (209)	379 (440)	20 (12)	28 (11)	10 (11)	67 (42)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
13	6	11	6	18	12

INFORMATIONAL ONLY

GENERAL DISCUSSION

Wayne Gieselman said that we are required by statute to get the Commission's approval on any contract that is over \$25,000. I don't believe my energy bureau is required to do this.

Donna Buell said that we should group the contracts into one in order to save time, rather than having individual presentations.

Darrell Hanson suggested that we should consider the contracts as one item.

Liz Christiansen and Wayne Gieselman said that we will look at different ways to approach this.

Wayne Gieselman said that our stormwater permits are general permits that have been approved by EPA and have been through the whole EPA rulemaking process. No, there is not an extended comment period on these. They are legal. We developed a general permit process, we go through a public comment period to comment on the general permit. That is the comment that applies. The department will come back with better ideas for public comments.

We will be issuing NPDES for facilities that have documented discharges to the waters of the state. We are not proposing to issue permits in a predicting manner. If there is a discharge regardless of the size of the operation, there should be a NPDES permit if they discharge.

Donna Buell asked if we can incorporate the state law into the permit and make that a requirement of our NPDES.

Henry Marquard said what will the permit say once it is issued. There should be a state law that says...that you are operable but that you can not discharge. I think we should take the no discharge permit route.

Wayne Gieselman said that we can do that with CAFOs but open feed lots are different. Regarding the roundtable forum on CAFOs, I suggest that the Commissioners visit the Animal Feeding Operation website and then link up to the IMMAG website that Iowa State University. This will give you information on air quality, water quality around CAFOs.

Donna Buell, Sue Morrow and Henry Marquard agreed that there need to be more public informational meetings across the state when they are controversial issues such as water quality standards. We need a lot more public input than the six scheduled events. What we currently have is inadequate.

Wayne Gieselman said that he will look into hooking up ICN sites.

Sue Morrow suggested that if the Commissioners wrote an article using general terms on “big and controversial issues” informing the public on what is going on, I think the local papers would publish it and we could receive more comments.

Donna Buell and Henry Marquard supported the idea of writing articles for the local newspapers.

Donna Buell complimented the Director. He is a very good speaker and people support what he wants because he speaks with passion and compassion.

The Living in Karst field tour will be held October 11th-12th in Northeast Iowa. Tammie Krasuman will send out an e-mail with more information.

Steve Hopkins addressed Dr. Askew’s comments. Dr. Askew had sent an e-mail out proposing rule changes to our operator certification rules specific to pretreatment. Item number 4 has been taken care of, the refunds have been sent back. We just completed putting together a five year strategic plan for the operator certification program. The plan was given to Henry Marquard.

The plan discusses implementing certification for wastewater collection personal and implementing certification for industrial wastewater, which involves pretreatment.

NEXT MEETING DATES

October 17, 2005

November 21, 2005

ADJOURNMENT

<i>Motion was made by Francis Thicke to adjourn the meeting. Seconded by David Petty. Motion carried unanimously.</i>

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 6:00 p.m., Monday, September 19, 2005.

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Lisa Davis Cook, Secretary

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